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Elimination of racism and racial discrimination: elimination of racism and racial discrimination

The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Doudou Diène, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in accordance with General Assembly resolution 58/160.

Summary

In this report, the Special Rapporteur reviews the activities in which he participated in the context of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He took part in the deliberations of the sixtieth session of the Commission on Human Rights in March 2004, where he introduced his second report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2004/19), his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2004/18), his reports on his missions to Guyana and Trinidad and Tobago (E/CN.4/2004/18/Add.1), Canada (E/CN.4/2004/Add.2) and Colombia (E/CN.4/2004/18/Add.3) and his preliminary

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** This document is submitted late so as to include the most up-to-date information possible.

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report on his mission to Côte d'Ivoire (E/CN.4/2004/18/Add.4). The Special Rapporteur also participated in a series of meetings and seminars. On 1 March 2004, he met with members of the Committee on the Elimination of Racial Discrimination, who welcomed this useful encounter. On 9 and 10 March 2004, the Special Rapporteur visited Washington, D.C., for a meeting with the Inter-American Commission on Human Rights and non-governmental organizations. The Special Rapporteur also took part in the first World Forum on Human Rights, organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Nantes, France, from 16 to 19 May 2004, notably in a plenary session on globalization and the struggle against all forms of discrimination and exclusion. From 21 to 25 June 2004, the Special Rapporteur participated in the eleventh meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Commission on Human Rights.

This report also covers the Special Rapporteur's mission to Côte d'Ivoire, at the conclusion of which he observed that, while there is no tradition of xenophobia in the country, the current crisis has caused a split in the inter-ethnic fabric, driving the country into a dynamic of xenophobia. The Special Rapporteur therefore underlines the need for all those involved in the crisis in Côte d'Ivoire to broadcast a clear message acknowledging the risk of a division along ethnic lines and asserting their resolve to combat this dynamic of xenophobia. In addition, the report deals with the Special Rapporteur's recent mission to Central America — to Guatemala, Honduras and Nicaragua. In his preliminary comments on the mission, he stresses the persuasiveness of racial discrimination in this region and its deep historical roots. He also emphasizes the political authorities' total failure to recognize this reality and the importance of elaborating a strategy to combat racial discrimination while establishing genuine democratic multiculturalism.

With regard to contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur stresses the new challenges in the struggle against racial discrimination and xenophobia, particularly the weakening of solidarity among victims. He underscores the importance of an intellectual front to combat racism, discrimination and xenophobia and the new complexity of the struggle against all forms of discrimination owing to the conflation of race or ethnicity with religion and culture. The Special Rapporteur then deals with Islamophobia, anti-Semitism and Christianophobia, as well as racism in sports and racism on the Internet, and makes comments and proposals on how to address these issues. He also outlines the measures taken by a certain number of countries to combat racial discrimination and xenophobia and, lastly, makes recommendations.

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I. Introduction

1. In its resolution 58/160 of 20 March 2004 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the General Assembly expressed deep concern that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persisted and even grew in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity. The Assembly was alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies. In this context, it recognized with deep concern the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities. In addition, the Assembly was deeply concerned about the misuse, by those advocating racism and racial discrimination, of new communication technologies, including the Internet, to disseminate their repugnant views.

2. The General Assembly therefore emphasized that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law. It condemned the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and called upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1), in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression. The Assembly also condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance. In addition, it encouraged all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries.

3. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was requested to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation. He was further requested to collect information from all concerned, to respond effectively to reliable information that becomes available to

him, to follow up on communications and country visits and to seek the views and comments of Governments and reflect them, as appropriate, in his reports. In the same resolution, the General Assembly called upon States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively. The Assembly also urged Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur and invited other relevant stakeholders to implement those recommendations. In addition, the Assembly requested the Secretary-General, to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session.

4. This report has been prepared pursuant to that resolution, the principal provisions of which have been cited above.

II. Activities of the Special Rapporteur

A. Participation in the work of the Commission on Human Rights at its sixtieth session

5. From 22 to 27 March 2004, the Special Rapporteur participated in the work of the Commission on Human Rights at its sixtieth session. He introduced his report on the situation of Muslim and Arab peoples in various parts of the world [in the aftermath of the events of 11 September 2001] (E/CN.4/2004/19). He also introduced his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2004/18), his reports on his missions to Guyana and Trinidad and Tobago (E/CN.4/2004/18/Add.1), Canada (E/CN.4/2004/Add.2) and Colombia (E/CN.4/2004/18/Add.3) and his preliminary report on his mission to Côte d'Ivoire (E/CN.4/2004/18/Add.4). These missions were summarized in his previous report to the General Assembly (see A/58/313, paras. 18-23).

6. The Special Rapporteur noted that, despite the commitment undertaken by the international community in Durban to combat racism, racial discrimination, xenophobia and intolerance, there continued to be alarming manifestations of those phenomena characterized by two key trends: (1) the resonance and vitality of resurgent traditional forms of discrimination rooted in colour-based racism, the main targets of which are Blacks, Asians, indigenous peoples, Arabs and Roma, and also in anti-Semitism, Islamophobia and caste systems; (2) the appearance of new forms of discrimination targeting non-citizens, refugees and immigrants.

7. Each of these forms of discrimination, both old and new, has its own ontological peculiarities, historical roots and geographical basis. But all have been invigorated by a new and insidious culture of discrimination stemming from the confluence of ideological, political, economic and social factors. Several explanations may be envisaged for this retreat in the struggle against racism; these doubtless include the waning political commitment to the implementation of the Durban Programme of Action, but also the excessive focus in the international agenda on the fight against terrorism in the wake of the tragic events of 11 September 2001.

8. As a final recommendation, the Special Rapporteur proposed to the Commission on Human Rights that, when contemplating measures against racism, racial discrimination, xenophobia and related intolerance, States should bear the following points in mind:

(a) National programmes should be prepared to combat these scourges as a matter of urgency on the basis of appropriate international instruments and the Durban Declaration and Programme of Action;

(b) These programmes should take account of the cultural depth of racism and discrimination, which is reflected in a growing political and intellectual intolerance of cultural and religious symbols and expressions of communities, groups and individuals;

(c) All countries should pay particularly vigilant attention to the fact that the rejection or non-recognition of the reality of ethnic, cultural and religious pluralism constitutes a major factor favouring the development of new forms of racism and discrimination;

(d) The promotion of pluralism, as a factor fostering the recognition, respect and protection of diversity, and especially of cultural and religious features and expressions, should lie at the core of these programmes;

(e) There is an urgent need to establish a dialectical link between the fight against racism and discrimination in all their forms and manifestations and the promotion of dialogue between cultures and religions and the building of democratic and egalitarian multiculturalism;

(f) The final document of the Durban Conference concerning the recognition and in-depth treatment of the resurgence of Islamophobia and anti-Semitism should be assured vigilant and balanced implementation;

(g) The rise of racism in sport should be recognized and dealt with by all countries through concrete measures, in close cooperation with international sports bodies.

B. Coordination with other human rights mechanisms and participation in various meetings

9. Continuing the process of regular consultation he initiated last year with the Committee on the Elimination of Racial Discrimination, on 1 March 2004, the Special Rapporteur met with members of the Committee and shared his observations on the countries he has visited (Guyana, Trinidad and Tobago, Colombia and Canada). The members of the Committee welcomed this meeting, which they regarded as a useful tool for exchanging factual information on the various countries and maintaining a coherent approach to the consideration of situations by the different mechanisms.

10. On 9 and 10 March 2004, the Special Rapporteur visited Washington, D.C., at the invitation of the Inter-American Commission on Human Rights and several American non-governmental organizations working to combat racism and racial discrimination. Ms. Edna Roland, an eminent expert on the implementation of the Durban Declaration and Programme of Action, was also invited to these meetings. The meeting with the Inter-American Commission on Human Rights was the second

of its kind and took place within the framework of a process established for the regular exchange of information and the coordination of activities to be undertaken by the two mechanisms in the Americas regions. The Special Rapporteur presented his main observations on his missions to Guyana, Trinidad and Tobago, Colombia and Canada. The Special Rapporteur drew the attention of the Commission's members to the cultural depth, in the countries of the hemisphere, of the historical legacy of racism and discrimination, the ideological underpinning of transatlantic slavery and the colonial system. The racial factor and its corollary, the criterion of skin colour, continue, to differing degrees, to have a profound impact on the structure of society. In his opinion, this fact is not sufficiently recognized or adequately dealt with by the political authorities of the countries of the region. The meetings with non-governmental organizations, beginning with a forum organized by Global Rights, served as a reminder of the fundamental role these organizations played during the World Conference against Racism by presenting factual documents on manifestations of racism and racial discrimination. The Special Rapporteur also drew the attention of the organizations' representatives to the fact that the current international climate is not conducive to efforts to combat racism and racial discrimination owing to the excessive focus on the fight against terrorism. In this context, he emphasized the need for greater mobilization and vigilance on the part of civil society, which must denounce the consequences of always putting security first, especially the marginalization of respect for human rights and the appearance of new forms of discrimination targeting communities and religions. In particular, he appealed for greater mobilization and vigilance on the intellectual front in the fight against racism, given the proliferation of scholarly, literary, journalistic and even scientific output legitimizing the culture of discrimination and discriminatory practices. He encouraged the non-governmental organizations to maintain the commitment to combating all forms of racism and discrimination that had motivated them during the World Conference against Racism, so as to influence the implementation of the final document of this Conference at the national level. The exchanges with those organizations also provided an opportunity to gather information on the impact of security measures on Arab and Muslim peoples in the aftermath of the events of 11 September 2001, an issue on which the Commission on Human Rights has requested the Special Rapporteur to prepare an interim report.

11. The Special Rapporteur also took part in the first World Forum on Human Rights, organized on the initiative of UNESCO in Nantes, France, from 16 to 19 May 2004. During this important meeting, which brought together more than 900 participants from 43 countries, he stressed the resurgence of racism and xenophobia and identified the factors that, in his opinion, have been largely responsible for the retreat in the struggle against racism. He then explained how the concept of diversity, in its pluralistic sense, and intercultural education could constitute solutions for combating the problem of racism in depth. The Special Rapporteur wishes to draw the attention of the General Assembly to the novel nature of the Nantes Forum, which gathered together representatives of States, civil society, victims, intellectuals and researchers, thus creating an opportunity for direct and informal dialogue and debate among the main human rights actors. The Special Rapporteur was invited to present a study on globalization and the struggle against all forms of discrimination and exclusion. He considers that this Forum, which complements the existing mechanisms, should not only become a regular event, but should also be supported and encouraged by the General Assembly and the

Commission on Human Rights with the final outcome being submitted to these bodies.

12. From 21 to 25 June 2004, the Special Rapporteur participated in the eleventh meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Commission on Human Rights. Among the decisions adopted, of particular interest, in the Special Rapporteur's view, is the decision to further enhance coordination among the special rapporteurs so as to facilitate joint action, which is likely to have greater impact. In this regard, the signature of joint communications, urgent or otherwise, and the publication of joint statements on situations requiring an immediate reaction from the human rights mechanisms were recognized as well-established procedures that should guide coordination with a view to joint field missions. In addition, the Special Rapporteur welcomes the decision to encourage the Chairperson of the Commission on Human Rights to protect the independent status of special procedures and to take account of equitable geographical representation in the appointment of mandate-holders. The Special Rapporteur believes that recognizing and consolidating the independence of the Commission's mandate-holders also serves as a guarantee of the Commission's credibility and is a prerequisite for building relations of trust with actual and potential victims of human rights violations. He recommended that the annual meeting of special procedures should also be an opportunity to meet and have a dialogue with organizations and agencies of the United Nations system. For the Special Rapporteur has noted with regret, in the course of his country visits, a lack of commitment to the fight against racism and discrimination and a lack of action on the part of some of these organizations. Moreover, the Special Rapporteur is of the view that the Commission should be more vigilant and proactive in encouraging Member States to cooperate in the fulfilment of the special rapporteurs' mandates, in particular, by agreeing promptly to requests to visit, by examining the special rapporteurs' critical comments objectively and constructively and by following up on their recommendations. In this regard, the Special Rapporteur believes that, in the light of the ethical dimension of his mandate, the dialogue he initiates with the authorities of the countries he visits and the expectations those visits raise among victims, he should be involved on a more systematic basis in the follow-up to his reports and the implementation of his recommendations. He has therefore informed the authorities of the countries he has visited that he wishes to contribute to this phase of his mandate. In this connection, the Special Rapporteur welcomes the positive and constructive response of the Government of Canada to his request for a visit to follow up on his report. Concerning his future programme of work, he hopes that he will receive positive responses to his formal requests for visits from the competent authorities of India, Pakistan, Nepal, Japan and the Russian Federation as soon as possible.

C. Field missions

13. The Special Rapporteur visited Côte d'Ivoire from 9 to 21 February 2004. The main purpose of this mission, which will be the subject a comprehensive report to be submitted to the Commission on Human Rights at its sixty-first session in March 2005, was to attempt an objective assessment of the role of ethnic factors in the crisis facing the country. The Special Rapporteur's visit benefited from excellent practical and logistical arrangements thanks to full collaboration from the Ivorian

authorities and the openness and active cooperation of the principal political and civil society actors in the crisis, prerequisites for the credibility and objectivity of his mission. During his visit, the Special Rapporteur met with the country's highest officials, including President Laurent Gbagbo and the President of the Economic and Social Council, Mr. Laurent Dona Fologo. He was particularly keen to integrate his visit in the democratic process under way by meeting with the country's main political groups, including Forces nouvelles. He also met with victim populations, representatives of civil society, human rights defenders, diplomats and representatives of the communities concerned. In addition to Abidjan, the Special Rapporteur travelled to Yamoussoukro, Bouaké, Duékoué, Gagnoa and Guiglo.

14. At the end of his visit, the Special Rapporteur concluded that, owing to its strong inter-ethnic network, there is no tradition of xenophobia in Côte d'Ivoire, although it has experienced ethnic tensions during its history. However, it has become caught up, in the context of the current crisis, in a dynamic of xenophobia. In his view, this dynamic stems from a concatenation of several factors, which, if they are not adequately analysed and if proper solutions are not found urgently, may lead to the emergence of real xenophobia, that is a system in which the perception of the other has a profound impact on individual consciousness and behaviour, shaping social, economic and political relations and being reflected in laws and institutions. The first factor identified by the Special Rapporteur is the ethnic tension that arose in 1990 with the transition, in a context of multi-ethnicity, from a one-party system to a multiparty system. Precisely in this context of democratic transition, the instrumentalization of the ethnic group in politics and the media constituted a temptation that politicians were unable to resist in their pursuit of power. Objectively, this temptation to exploit the ethnic factor found ideological expression in the emergence of the concept of *ivoirité* ("Ivorianness"), which, in a climate of political competition marked by ethnic tension, was given an ethnicist interpretation and application, whatever the "cultural" motives proclaimed by its originators. This concept profoundly influenced the political debate, perverted the democratic process and gradually reshaped the perception of inter-ethnic relations. Then, the outbreak of war, in a context of aggravated ethnicism and communal tension, had a radicalizing effect, accelerating this dynamic of xenophobia. Lastly, the Special Rapporteur believes that the tendency he observed during his stay to confuse ethnicity and religion, the feeling of impunity on the part of those responsible for acts of xenophobic violence, notably members of the security services, but also some factions of Forces nouvelles, and the conflictual and antagonistic interpretation of cultural and ethnic diversity are particularly worrisome manifestations of the role of ethnic factors in the conflict in Côte d'Ivoire.

15. Given the scale of the political crisis and the split in the inter-ethnic fabric, the Special Rapporteur underlines the need for all those involved in the crisis in Côte d'Ivoire, including the most senior political leaders, to broadcast a clear message acknowledging the risk of a division along ethnic lines and asserting their resolve to combat this dynamic of xenophobia in all its forms and to punish all acts of violence. He also believes that any lasting political solution to the crisis facing Côte d'Ivoire must be accompanied by a democratically prepared programme to rebuild coexistence and intercommunity dialogue in Côte d'Ivoire, because this would contribute to rebuilding the deeply torn inter-ethnic and social fabric. The Special Rapporteur also stresses the fact that the imperative of rebuilding coexistence among the communities must be the yardstick in analysing and solving

crucial and sensitive issues such as those of rural land tenure and nationality. Lastly, the regional dimension, which has had a major influence in the history of inter-ethnic relations in Côte d'Ivoire, as well as in the evolution of the current political crisis, must also be taken into account in efforts to mend Ivorian society's strong inter-ethnic network.

16. From 26 June to 13 July 2004, the Special Rapporteur visited the Central American region. He travelled to Guatemala, Honduras and Nicaragua at the invitation of the respective Governments of those countries. The Special Rapporteur would like to give a brief overview of his findings in each country, as the visit will be the subject of an exhaustive report to be submitted to the Commission on Human Rights at its sixty-first session in March 2005. The mission was prompted by the need for the Special Rapporteur to help to shed light on two particularly significant factors in the problem of racism in the region: the depth of the historical legacy of racism and discrimination, the ideological underpinning of the slave-holding and colonial systems, which has had a deep influence on the structure of societies in the hemisphere; and the impact of the political violence that has marked the recent history of Central America on communities of indigenous people and people of African descent, which have historically experienced discrimination. These are countries with similar ethnic and demographic features and common historical and political legacies. These countries in transition towards peace-building, social cohesion and consolidation of democracy are of particular interest with respect to the structuring and management of ethnic, racial and cultural pluralism.

17. The Special Rapporteur observed three trends in all three countries that reveal the existence of deeply rooted discrimination: a troubling correlation between poverty-stricken areas and areas inhabited by communities of indigenous people and people of African descent; the marginal involvement of representatives of those communities in power structures — the government, parliament and the judiciary — as well as their insignificant presence in decision-making positions in the media; and their treatment in the media as objects of folklore. He also found, to varying degrees in the three countries, a lack of awareness of how extensive and deeply rooted discrimination is, among both the political authorities and the population as a whole. The Special Rapporteur notes, by contrast, statements by civil society actors he spoke with, as well as testimony from members and representatives of all the communities concerned, that the societies of all these countries remain deeply imbued with racial prejudice and discriminatory practices against indigenous peoples, prejudices inherited from the colonial conquest and the slave-holding system, which, by subjugating these peoples and belittling their identities and cultures on the basis of an openly racist ideology, have effectively marginalized them in a lasting way at the political, social, economic and cultural levels. Despite principled claims of being multicultural, the Hispanic legacy and identity of these countries are highlighted to the detriment of the legacies of indigenous peoples or people of African and indigenous descent, which are reduced to folklore. The rejection of the reality of ethnic pluralism, in political, cultural and social terms, is particularly evident in everyday life through discriminatory acts such as frequent denial of access to public places. Denying people the opportunity to express their identities in such places is one of the most telling forms of discrimination. The inadequacy of public services (education, health and justice in particular) in areas inhabited by these communities and the absence of genuine bilingualism are objective demonstrations of the lack of social and cultural integration of these

peoples. Thus, indicators of health, education and housing for these peoples remain lower than for the rest of the population.

18. In Guatemala, the Special Rapporteur found that the process of strengthening democracy and peace-building begun nearly 10 years ago following the signing of the peace agreements, has progressed considerably, particularly with regard to legislation and the institutional protection of human rights. A law against racial discrimination has been adopted and the country has established two important commissions, the Presidential Human Rights Commission and the Presidential Commission on Discrimination and Racism against Indigenous Peoples. A special prosecutor for human rights and an advocate for indigenous women complement this institutional framework. The judicial system has also undertaken reforms to free itself from the sway of the other branches of power, draw closer to the people and break the cycle of impunity that has long characterized certain actions by the State, as well as by individuals.

19. The Government has committed itself to the implementation of the peace agreements, where the resolution of the question of ethnicity remains an essential dimension. The Vice-President of the Republic, with whom the Special Rapporteur met, said that he was aware of the persistence of racial discrimination in Guatemalan society, a phenomenon reduced by most political authorities with whom the Special Rapporteur met to economic and social discrimination alone. The Government has expressed its willingness to conduct political, economic and social reforms to enable indigenous peoples to participate at all levels. Special efforts are reportedly being contemplated to encourage public officials to be more sensitive to the cultural diversity of the country and adopt a multicultural perspective and non-discriminatory attitudes in their relations with citizens. Unlike the previous Government, the current administration has stated its readiness to implement the provisions of the peace agreements relating to indigenous peoples, including with respect to bilingual education, the provision of health services and access to justice in the languages of the peoples concerned. Efforts will also be made to give greater consideration to customary law in the settlement of disputes involving members of indigenous communities. The Special Rapporteur recommended in particular that the Government of Guatemala should acknowledge at the highest level the persistence of racism and discrimination against communities of indigenous people and people of African descent and evaluate their forms, manifestations and impact at the economic, social and cultural levels. He also recommended that a national plan to combat racism and racial discrimination should be developed in a democratic manner on the basis of the Durban Declaration and Programme of Action. The campaign against racial discrimination should be combined with the building of an authentically multicultural society promoting both the expression of specific cultures and identities and interaction between the members of the various communities and knowledge of and respect for one another. He further recommended that all organizations of the United Nations system present in Guatemala should grant an important place in their mandates to the struggle against racism, discrimination and xenophobia by promoting policies and programmes to that end.

20. In Honduras, the Special Rapporteur noted in particular the neglected state of the department of Gracias a Dios — inhabited mostly by the Miskito and Garifuna — which lacked essential health and education infrastructure and was emblematic of the degree of marginalization of those peoples. This marginalization

is illustrated, inter alia, by the deplorable situation of crayfish fishers, who suffer cerebral and physical injuries owing to the frantic pace of underwater dives imposed by the boat owners and receive no social or medical assistance, particularly in the city of Puerto Lempira. On the Caribbean coast, the Garifuna people, who have maintained a strong cultural identity, believe that they have been kept on the margins of Honduran society and fear that they will eventually lose their language because of the shortage of bilingual programmes and control of their ancestral lands by tourism development interests that do not respect their rights and cultural identity. Indigenous peoples also suffer from the inadequacy of government efforts to provide bilingual education.

21. The Honduran Government is beginning to grasp the seriousness of the situation of indigenous and Garifuna peoples while failing to recognize the reality and cultural depth of racism and racial and ethnic discrimination. The limited number of complaints of racism, put forward as an indicator of the absence of discrimination, should rather be seen as a sign that racism is a feature of life and that victims are unaware of their rights and, in particular, of the penalties for racist acts, owing to the Government's silence. An economic, social and political profile of these peoples has been developed recently with the support of the World Bank and should, in the opinion of the Special Rapporteur, help to meet their needs. He recommended that the Government should make a firmer commitment to combating racial discrimination, particularly by developing a plan of action, and that it should place greater value on the country's ethnic diversity in order to build a genuinely multicultural and egalitarian society. He also proposed that effective measures should be taken to counter the most visible effects of racial discrimination in the areas of education, health and housing. The employers of stricken crayfish fishers should make arrangements to compensate them and persons employed in this industry should be better protected. The International Labour Organization (ILO) should pay more attention to the right of Honduran crayfish fishers to organize unions. It is also necessary to conduct a broad campaign against racial discrimination and raise awareness among victims of the recourse open to them.

22. In Nicaragua, as in Honduras, the Government considered that there was neither racism nor racial discrimination in the country. The complex ethnic and racial make-up of the population resulting from intermarriage would make manifestations of those phenomena improbable. By contrast, the representatives of indigenous peoples and people of African descent consider themselves victims of racism and racial discrimination. The historical discrimination that these peoples have endured has been reinforced by the political violence that the country has suffered and, in particular, by the political, social and military manipulation of these peoples by all factions in the internal conflict in Nicaragua. Their grievances stem, inter alia, from the infringement of their cultural identities and land rights and the low level of investment by the State in regions where they live, as well as their insignificant representation in power structures. The Special Rapporteur found a deep ethnic, social and economic rift between the Pacific and Atlantic regions. The Pacific regions remain predominantly mestizo — with some indigenous communities — and are experiencing a measure of development, whereas the Atlantic regions, inhabited mostly by indigenous peoples and people of African descent, are isolated and lack basic infrastructure. As in Guatemala and Honduras, the map of poverty and economic and social marginalization coincides with the geographic distribution of peoples who consider themselves to be victims of

discrimination. The autonomy granted to the North and South Atlantic regions has created the institutional framework for the peoples of these regions to plan and assume responsibility for their own development but, owing to the shortage of financial resources coming from the central Government, they have not yet been able to benefit effectively from this decentralization.

23. Although he is aware of the economic difficulties confronting Nicaragua for more than two decades in the wake of internal conflicts and natural disasters affecting it, the Special Rapporteur nevertheless believes that the Government should listen more closely to the peoples whose objective experience of discrimination should henceforth be recognized and treated in all its dimensions, cultural, economic and social, by a national programme to combat racism and discrimination and build a democratic, egalitarian, interactive and multicultural society. There should be greater dialogue with the leaders and peoples of the autonomous Atlantic regions in order to identify the economic and social areas that require priority intervention and the allocation of adequate resources. The Special Rapporteur also considers that the process of granting land rights to indigenous peoples should take account of their habits and customs and ensure, through negotiation, that their interests and ancestral rights are not violated. In that respect, the Government should consider ratifying and implementing ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

24. Concerning future missions, the Special Rapporteur has begun consultations with Japan, Pakistan, India, Nepal and the Russian Federation, which he would like to visit shortly, consultations that he hopes will succeed, reflecting the commitment of those countries to combating racism, discrimination and xenophobia.

III. Manifestations of racism, racial discrimination, xenophobia and related intolerance

A. Upsurge of xenophobia and weakening of protection against certain forms of discrimination

25. The issue of discrimination is undergoing a deep transformation because of its current ideological context and scope. The ideological context, which has been largely determined by the priority given to counter-terrorism, has resulted not only in the marginalization of efforts to combat discrimination but also the appearance of new forms of discrimination. The international commitment to combating racial discrimination, racism and xenophobia, which was reaffirmed by the holding of the Durban Conference and embodied in the Declaration and Programme of Action adopted there, has been eroded if not marginalized by the international priority given to counter-terrorism, particularly following the tragic events of 11 September 2001. Moreover, because of this ideological and political shift, the scope of discrimination itself has grown more complex as race, or ethnicity, is conflated with religion and culture.

26. These two developments spotlight a central aspect of discrimination that is often overlooked: its cultural depth. The increasing economic and social impact of discrimination, which continues to be reflected in the persistent link between discrimination, poverty and social marginalization, is now accompanied by an overemphasis on ideology, culture and ethnicity and the emergence of new targets of

discrimination: the non-citizen, the immigrant, the refugee and the "strange stranger", owing to his ethnic, cultural or religious traits. In this context, the Special Rapporteur expresses his deep concern about the ethnic dimension of the massacre committed in Burundi in a refugee camp near the border with the Democratic Republic of the Congo and stresses the urgent need not only to punish those responsible but also for the international community to take measures to protect the minorities living in those countries.

27. People have reacted to this new ideological landscape by turning in on themselves, which has had perverse effects such as cultural conflicts and especially new discriminatory practices that target communities, ethnic groups, religions and spiritual traditions. An alarming feature of this new ideological landscape is the decline in the political and ethical determination to combat racism and discrimination. The front against discrimination has been broken by isolationism and a tendency among victims to turn in on themselves to ponder their own tragedies. The effectiveness of the fight against discrimination has been weakened in its universal dimension of solidarity by this phenomenon of retreat and even competing claims of victimization. In France, an anti-Semitic attack in the public transport system supposedly committed by young Arabs and Africans, who were said to have drawn swastikas on the body of a young woman, later turned out to be a story made up by the victim. Without verifying the facts, the media and senior politicians wasted no time in referring to those young people, publicly and repeatedly, as typical and natural guilty parties in the "crime". The so-called RER C train incident — an unfortunate illustration of the exploitation of the fight against racism, discrimination and xenophobia by politicians and the media, revealing a readiness to assume "typical and natural guilt" on the part of certain communities and ethnic groups — is proof, in the last analysis, of a deep-seated racist and discriminatory culture and mentality in some influential political, media and intellectual circles. We have seen the re-emergence, in statements by politicians and in news stories and opinion pages, of expressions and concepts referring to entire groups and communities drawn from past racist and discriminatory rhetoric. This incident should therefore sound a real alarm concerning the need for and urgency of a set of ethics to combat racism and discrimination based on the idea that this fight is universal, all victims are equal and the problem must be dealt with rigorously. Otherwise, some forms of combating racism and discrimination are liable, in a perverse way, to strengthen these scourges. In the current context of overemphasis on security and isolationism, the political manipulation of ethnicity, race and religion and, in the last analysis, the rejection of cultural diversity constitute the electoral platform for a growing number of political parties in all regions of the world. Behind the demands for national preference often lies a xenophobic, racist and discriminatory political programme seeking legitimacy.

28. We are witnessing the invention of new forms of speech that seek to legitimize racism, xenophobia and intolerance, including through radically uncompromising positions on cultural, ethnic and religious diversity. Such speech, often used by politicians, is increasingly being rationalized and put into theory by certain important schools of thought. Samuel Huntington exemplifies this trend. In his most recent book *Who Are We?: The Challenges to America's National Identity*,[1] he asserts that the presence in the United States of America of "Latino" immigrants

[1] Samuel P. Huntington, *Who Are We?: The Challenges to America's National Identity*, Simon & Schuster, 1994.

from South America is a threat to the American identity. He thereby deepens the theoretical rift established by his notion of a clash of civilizations and designates a new object of discrimination, the "Latino". In this context, the spreading of racist and discriminatory speech constitutes a double distortion of the democratic ideal, through its dissemination using new communication technologies such as the Internet and through the manipulation of freedom of expression and opinion and, more seriously, through its pervasiveness and ability to structure political debate and influence traditionally democratic political parties and its legitimization by the intellectual and academic world. The current upsurge of discrimination, which has revealed a new paradigm of strengthened links between racism and xenophobia, confirms just how pervasive discrimination is, even in countries that have shown an undeniable political and democratic will and developed comprehensive legal strategies to combat racism and confront their historical experience. It has become clear that, while anchoring human rights in legal instruments is a fundamental way of achieving progress and expressing the universality of those rights, it is no longer capable of eliminating or even grasping the underlying causes of discriminatory culture and mentalities. The new battle grounds in the struggle against discrimination — identity constructs, value systems, images and perceptions — therefore raise the issue of renewing or deepening the notion of human rights. Action on human rights must henceforth be encouraged and renewed by discussing the underlying causes of racism, discrimination and xenophobia. In this context, the Special Rapporteur recalls the importance of an intellectual front to combat racism and his recommendation concerning the urgent need for an intellectual and ethical strategy to combat racism that targets precisely the deep and intangible sources of racist culture by uncovering and analysing in detail the seedbeds and roots of racism: ideas, concepts, images and perceptions. The warning sounded by Bertolt Brecht in the wake of the Second World War is now more topical than ever: "The womb from which the vile beast emerged is still fertile."

B. Racist propaganda on the Internet

29. The Internet has been used since the mid-1990s as an instrument for widespread dissemination of heinous speech by racist and xenophobic organizations. According to the Simon Wiesenthal Center, there are now several thousand sites engaged in racist propaganda, xenophobia and related intolerance, whereas in 1995 there was only one. The Durban Programme of Action, adopted by consensus on 8 September 2001, recommended that States should encourage the media to adopt self-regulatory measures to enable them to combat the use of the Internet for racist ends and apply legal sanctions against any incitement to racial hatred (A/CONF.189/12 and Corr.1, paras. 144-147). However, in order to prevent the use of the Internet to spread racism and discrimination, we must find a solution compatible with international law and the need to reconcile the contradiction between respecting freedom of expression and respecting the values and principles of international law, including the condemnation of discrimination and racism. The Parliamentary Assembly of the Council of Europe, in its recommendation 1438 (2000), stated that "legislation should be enacted — where it does not exist — to prohibit oral or written instigation to racism, anti-Semitism and xenophobia; freedom of expression cannot be accepted as an excuse for it".

30. In that respect, the Special Rapporteur welcomes the adoption on 7 November 2002 by the Committee of Ministers of the Council of Europe of the Additional Protocol to the Convention on Cybercrime concerning the Criminalization of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems. The Protocol, signed by 23 States but not yet in force, defines the common legal bases of parties to suppress the dissemination of written materials, images or any other representation of ideas or theories that advocate or encourage hatred, discrimination or violence against a person or group of persons on the basis of race, colour, descent or national or ethnic origin, or religion. The Protocol also provides for international cooperation to combat racist or xenophobic propaganda through the use of computers. Consideration should be given to establishing a similar document at the international level in the form of an additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination so that more States can adopt legal measures to combat the use of the Internet for racist or xenophobic purposes.

31. However, disagreements remain on the most appropriate strategy for preventing dissemination of racist messages on the Internet, including the need to adopt regulatory measures to that end, as emerged from the meeting on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes held by the Organization for Security and Cooperation in Europe (OSCE) in Paris on 16 and 17 June 2004. The United States opposes any regulation, on freedom-of-expression grounds, while the European countries are more in favour of a policy of monitoring and sanctions. The meeting made no specific recommendations but urged that Internet users should be educated about tolerance and that cooperation should be promoted among all actors, particularly non-governmental organizations and associations working to combat racist, anti-Semitic and xenophobic propaganda on the Internet.

C. Racism and sports

32. Racism has also risen in sport, with incidents being most common at European football stadiums. During the Euro 2004 France-Croatia match in Portugal, members of the French team, particularly Sylvain Wiltord, were the target of shouted jungle calls and insults such as "Go back to Africa!". Around 1,000 Croatian fans reportedly joined in the racist abuse, and two Croatian banners bore the Celtic cross, as a symbol of the international "White Power" movement. There were also racist incidents between players. In 2003, a South African player was banned from taking part in the Rugby World Cup by the team manager for refusing to share his room with a black teammate. In Eastern Europe, anti-Semitism has been seen among supporters calling one another "Jews" and waving neo-Nazi and neo-Fascist banners in the stands. Far-right organizations have regularly found their way into stadiums, where they have handed out their racist propaganda and displayed their banners. Some countries have taken action: in Italy, for example, displaying racist banners can lead to the match being suspended. Racism has also invaded the tennis court: Serena Williams, who was repeatedly booed and whistled at during the semi-final of the Roland Garros tennis tournament in 2003, attributed the spectators' behaviour to racism.

33. The International Federation of Association Football (FIFA) and the International Olympic Committee must work together to combat growing racism in

football stadiums and at other sports venues. FIFA action against racism has included a congress held in Buenos Aires on 6 July 2001. The congress issued a resolution requiring "all persons involved directly or indirectly with the sport of football at all levels and in all countries to join a concerted action to exchange information and experiences in order to combat effectively and conclusively all manifestations of racism within the game, by denouncing and sanctioning all persons indulging in racism in any form". In 2002, it also launched an annual Anti-Discrimination Day, marked by various activities clearly signalling that racism and discrimination are unacceptable in football and in society as a whole. In March 2003, the FIFA Executive Committee adopted a new rule making the handshake between members of opposing teams an integral part of official protocol for the Confederations Cup. This "final gesture of protocol" was intended to set a sporting example, reminding spectators that respect for rivals and referees comes before the contest itself.

34. Beyond the action taken by FIFA, the Union of European Football Associations (UEFA) has also stepped up its campaign against racism. In July 2003, together with Football Against Racism in Europe (FARE), it launched an anti-racism guide to help the football community to confront that phenomenon. FARE has continued to organize an annual anti-racist world cup in Montecchio in Italy. It is both a sporting and a cultural event which brings together artists and non-professional footballers of European and immigrant backgrounds.

35. FIFA and UEFA have made important contributions to putting a stop to racism in football stadiums, but the International Olympic Committee and the International Tennis Federation need to adopt similar measures. These international sporting bodies should work actively with each other, with the United Nations system and with Member States. The Special Rapporteur wishes to keep a record of racist incidents in sport and the action taken against such incidents by sporting bodies, whose collaboration he is seeking in that task.

D. Racism connected with anti-Semitism and Islamophobia

36. In the ideological context of post-11-September counter-terrorism efforts, discrimination and racism have acquired a growing presence in the sphere of religion. Culture, religion and ethnic origin are being confused with one another and used as excuses for deliberate acts of discrimination. A new, openly and publicly expressed thinking has emerged, according to which racism and discrimination are justified and legitimized by security considerations or the need to defend a "threatened identity" and ethnic, cultural and religious pluralism are rejected, producing discriminatory or xenophobic practices of various degrees of seriousness, depending on the country. This thinking has created a situation in which influential intellectuals and opinion-formers increasingly link Islamophobia, terrorism and violence. One such person is Oriana Fallaci, an Italian writer and journalist living in New York. In her recent book *La Forza della ragione* (The Force of Reason),[2] she expands on her hostility towards Islam and her view that the United Nations is "Islamophilic" and claims that the Organization, "together with the ineffable European Union, invented the crimes of Islamophobia and defaming Islam". In a direct attack on the Special Rapporteur, she calls the description in his latest report

[2] Oriana Fallaci, *La Forza della ragione*, Milan, Rizzoli, 2004.

to the Commission on Human Rights of physical and verbal violence suffered by Muslims in the United States and Europe after 11 September 2001 libellous. She makes other attacks, before concluding that the report of the Special Rapporteur "is but a tiny part of the auto-da-fé of a former bigwig of UNESCO, an organization with a Sovietophilic past". She then claims that "in Geneva, Doudou [Diène] will ask the Holy Office of the United Nations to devise 'a strategy to eradicate any ideology that defames Islam and to encourage a world congress to monitor how history is written — or, rather, taught'". It is precisely this kind of reasoning that leads intellectuals and political leaders of the far right to deny the resurgence of anti-Semitism and engage in historical revisionism.

37. The Durban Declaration strongly condemned "the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities" (A/CONF.189/12 and Corr.1, para. 61). The General Assembly, in its resolution 58/160 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance, confirmed that analysis, expressing deep concern about the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities.

38. In his report to the Commission on Human Rights at its sixtieth session, the Special Rapporteur emphasized this recent and alarming resurgence of anti-Semitism and the importance of investigating the underlying causes and manifestations of both anti-Semitism and Islamophobia and finding ways and means to combat them. He also recommended that the Commission should formally support the submission of a report on Islamophobia and anti-Semitism at each of its sessions. In his report on the situation of Muslim and Arab peoples in various parts of the world, submitted to the Commission at the same session, the Special Rapporteur emphasized the importance of assessing rigorously and systematically all manifestations of racism, anti-Semitism and Islamophobia and invited the Commission to recommend that the Office of the United Nations High Commissioner for Human Rights should establish a centre to monitor the contemporary phenomena of racism, anti-Semitism and Islamophobia and entrust it with developing a scientific methodology for precise measurement of such phenomena and, in collaboration with the Special Rapporteur, preparing an annual report thereon for submission to the Commission and the General Assembly.

39. In his opening remarks at the seminar on anti-Semitism held by the United Nations in New York on 21 June 2004, the Secretary-General recalled that the Commission on Human Rights, at its most recent session, had asked the Special Rapporteur to examine the situation of Muslim and Arab peoples in various parts of the world, with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties. Echoing the original proposal of the Special Rapporteur, the Secretary-General recommended that he, and the Special Rapporteur on freedom of religion or belief, should "actively explore ways of combating anti-Semitism more effectively in the future".

40. The Special Rapporteur therefore concluded that the position of the Secretary-General justified taking Commission on Human Rights resolution 2004/6 to mean that he should submit to the Commission at its next session reports on Islamophobia,

anti-Semitism and Christianophobia. To that end, working with the UNESCO Centre in Catalonia, he plans to organize a high-level seminar of experts in Barcelona and to use the results of the seminar as a basis for his reports.

IV. Action taken or planned by Governments, judicial authorities or other bodies

A. Canada

41. The Special Rapporteur welcomes the new plan of action against racism which the Canadian Government transmitted to him after his visit and is currently finalizing. The plan encourages closer cooperation among governments, community organizations, public institutions and individuals. It covers seven priority areas: recognition of the past, help for vulnerable groups and victims of racism and related discrimination, innovative approaches to combat racism and integrate diversity, strengthening the role of civil society, strengthening regional and international cooperation, educating children and young people about combating racism, and combating hate and prejudice. The Government agreed to a follow-up visit, which the Special Rapporteur will use to ensure that the plan of action is in line with his own report and recommendations.

B. Switzerland

42. In July 2003, the Federal Court issued a ruling which would end the practice of voting on applications for naturalization. The Court's intention was to ensure compliance with the Constitution, which prohibits any discrimination in naturalization procedures. The Swiss Federal Commission against Racism believes that this decision will help to prevent discrimination and rejection of applicants for Swiss citizenship on racist grounds. The Court is also requiring, as an additional guarantee, that decisions rejecting applications for naturalization should be substantiated in writing.

43. The Swiss Federal Commission against Racism (CFR) has published a series of posters for use as teaching aids, focusing on practical issues and dealing with various forms of racism, anti-Semitism and xenophobia. They encourage pupils and teachers to confront racism head-on by taking a self-critical look at their own behaviour.

C. The Netherlands

44. The Special Rapporteur welcomes the adoption on 10 February 2004 of a law establishing that individuals must receive equal treatment, regardless of their racial or ethnic origin, and providing a framework for equal treatment in recruitment and professional matters. The Netherlands has also made changes to its Criminal Code, introducing harsher maximum penalties for institutional race discrimination. The Special Rapporteur is deeply concerned, however, about the effect on combating racism, discrimination and xenophobia of the Government's proposed strict deportation plans for illegal immigrants, and he is appealing to the Government to re-examine the suitability of those proposals in the light of its avowed commitment to countering racism.

V. Conclusions and recommendations

45. **The Special Rapporteur will submit to the Commission on Human Rights at its sixty-first session detailed recommendations on the issues covered by his mandate, particularly in the light of his visits. He therefore wishes to draw the attention of the General Assembly to the following:**

- **When contemplating future measures against racism, discrimination and xenophobia, the General Assembly is invited to consider the complicating factor that contemporary forms of racism conflate religion and culture with ethnicity or race;**
- **The General Assembly is invited to take into account and alert Member States to the growing importance of the intellectual front in the fight against racism, discrimination and xenophobia and the need to devise an intellectual strategy for combating those phenomena in the domain of ideas, concepts, images, perceptions and value systems;**
- **In the light of the "RER C train" incident in France, the General Assembly should speak out against the exploitation of the fight against all forms of racism as a political, media and intellectual tool, and in favour of a set of ethics for that fight based on the values of universality, equality and objectivity;**
- **The General Assembly is invited to alert the Member States to the need to take the necessary legislative and judicial action, as well as measures in the area of information and education, in order to ensure that the legitimate struggle against terrorism does not result in or breed new forms of discrimination targeting specific populations, religions, cultures or ethnic groups;**
- **In the context of implementing the Programme of Action of the Durban Conference, the General Assembly is invited to focus its attention on the latest forms of discrimination, which affect, in particular, immigrants, refugees and non-citizens and make them particularly vulnerable;**
- **The General Assembly is invited to draw the attention of Member States to the resurgence of xenophobia and to the fact that, while anchoring human rights in legal instruments is a fundamental way of expressing their universality, it is no longer capable of eliminating the underlying causes of discriminatory culture and mentalities. Action on human rights must henceforth include discussion of the deep cultural roots of racism;**
- **The General Assembly is invited both to draw the attention of all Member States to increased racism in sports and to call on international sports entities to take appropriate measures to eradicate it and cooperate to that end with the relevant human rights mechanisms, in particular the Committee on the Elimination of Racial Discrimination and the Special Rapporteur;**
- **Finally, the General Assembly is invited to alert all Member States to the need to adopt measures to counter the dissemination of discriminatory, racist and xenophobic messages on the Internet, in accordance with paragraphs 144 to 147 of the Durban Programme of Action.**

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Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Combating racism, racial discrimination, xenophobia and related intolerance and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General**

The Secretary-General has the honour to transmit to members of the General Assembly the study on the question of political platforms which promote or incite racial discrimination submitted by Doudou Diène, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Assembly resolution 58/159.

* A/59/150.
** This document is submitted late so as to include the most up-to-date information possible.

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Summary

The present study is submitted pursuant to paragraph 14 of General Assembly resolution 58/159 in which the Assembly invited the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit to the General Assembly at its fifty-ninth session the study on the issue of political platforms that promote or incite racial discrimination, as requested by the Commission in its resolution 2003/41, and updated and expanded as appropriate.

The study reviews political parties or other organizations that promote racism, racial discrimination, xenophobia and related intolerance worldwide. The Special Rapporteur highlights three main factors in the study. First, he highlights the key role played by political organizations and parties in every region of the world in the rising tide of racism, discrimination and xenophobia. In that context, he goes on to underscore the intellectual posturing, namely the post-11 September 2001 proliferation of writings and publications that legitimize the culture of encouraging discrimination and racism and develop concepts such as the clash of civilizations, which have the potential to heighten ethnic and racial tensions by way of culture.

Lastly, the Special Rapporteur notes the major role played by extreme right parties and organizations, which are dangerous not only because of the xenophobic ideas they expound, but also because of their ability to exert influence at election time on mainstream democratic parties by promoting three issues: preference for nationals, opposition to family reunions and rejection of cultural diversity. The Special Rapporteur submits his recommendations on the above-mentioned issues to the General Assembly.

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I. Introduction

1. The present study is submitted pursuant to paragraph 14 of General Assembly resolution 58/159 in which the Assembly invited the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit to the General Assembly at its fifty-ninth session the study on the issue of political platforms that promote or incite racial discrimination, as requested by the Commission in its resolution 2003/41, and updated and expanded as appropriate.

2. The study should be read and considered in the context of the implementation of the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1) in which the international community expressed its concern that, "beyond the fact that racism is gaining ground, contemporary forms and manifestations of racism and xenophobia are striving to regain political, moral and even legal recognition in many ways, including through the platforms of some political parties and organizations and the dissemination through modern communication technologies of ideas based on the notion of racial superiority" (Declaration, para. 27). The international community further underlined "the key role that political leaders and political parties can and ought to play in combating racism, racial discrimination, xenophobia and related intolerance and encourage political parties to take concrete steps to promote solidarity, tolerance and respect" (ibid., para. 83).

3. The report is structured around two main sections preceded by an introduction. The introduction presents the study in the context of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Section I seeks to explore the manifestation of racism, ethnocentrism and xenophobia in Europe, Asia, Africa, South America, the Middle East and North America. Section II offers recommendations drawn from that analysis.

II. Regional contexts and characteristics

A. Europe

4. Racial theories began to emerge in Europe from Greco-Roman antiquity to the Middle Ages. Both religious and secular theories of race were developed during that period by scholars to justify systems of oppression and exploitation. The political and economic expansion of Europe from the seventeenth century went hand in hand with the propounding of racial theories regarding non-Europeans whereby, under the pretext of "spreading civilization", the imperial domination at the time was legitimized and justified, particularly in explaining the extreme forms it took such as the Transatlantic Slave Trade and the colonial system. Religious leaders in the eighteenth and nineteenth centuries revised the Biblical story of the curse of the Canaanites to reinsert "Ham as the foundation myth for collective degradation, conventionally trotted out as God's reason for condemning generations of dark skinned peoples from Africa to slavery".[1] In the secular world, well-known pioneers in science such as Buffon in France and White in England developed scientific arguments in favour of the idea of the hierarchy of races. Racial doctrine was therefore widely used during that period by political leaders and intellectuals and

scientists to justify societal organizations based on division, domination and exclusion.

1. Contemporary issues of racism, xenophobia and extremist political platforms

5. The rebirth of racist and xenophobic movements in Western Europe today needs to be analysed against the background of the socio-economic changes taking place, including the politicization of immigration. Extremist political movements foster and use racism and xenophobia to achieve their political goals. Their impact should not be underestimated. Numerous studies indicate that hatred, racial, ethnic and cultural polarization reflected in political platforms have played leading roles in the violence and regional and worldwide wars that occurred in Europe in the last century. The apology of violence and genocide leads to the outbreak of those very acts, as sadly demonstrated by the conflicts in the former Yugoslavia and Rwanda.

6. While pre-industrial interpretations of religion often served as the foundations for wars, such as the crusades, post-industrial ideologies of racism, xenophobia and superiority underlined the acts of war and genocide carried out within, and across, the boundaries of the nation States.[2] Such feelings of hatred are used as raw materials by intellectuals and ideologues to manufacture conflicts.[3] The wars in the Balkans, for example, were explained as the reawakening of ancient hatreds following the post-Communist thaw. This interpretation fails to grasp the major role played by the ideologues who manipulated the political discourse of ethnic nationalism to build their power bases.

7. Similarly, in Western Europe the resurgence of extremist right-wing politics has been explained as a phenomenon caused by economic crisis or the rapid influx of non-occidental immigrants into hitherto "homogenous" societies. However, to single out economic or demographic change as the only factor is to downplay the significant role played by intellectual and ideological constructs, including political discourse, in manipulating events or casting certain developments in a particular light. In addition, far-reaching changes in such societies in the areas of population or employment have created an environment propitious to political manipulation. In the struggle between the forces of equality and justice and those of division and hatred, it is probably the size and the ability to organize and exert influence, including through the mass media, as well as the determination of the advocates of either point of view that carry the day. In that regard, the drift towards racism and xenophobia is probably made possible not so much by structural changes as by the fact that "the best lack all conviction, while the worst are full of passionate intensity".[4] Racism and xenophobia, hatred of the "other" have always been fertile breeding grounds, including in most identity constructs, for galvanizing passions for political purposes.

8. There appears to be agreement that racism, racial discrimination, xenophobia, anti-Semitism and Islamophobia are on the upswing in Europe. New targets of discrimination — immigrants, refugees and non-nationals — have now been added to the traditional victims of these scourges — Jews, Arabs, Asians and Africans. That trend has even increased since the tragic events of 11 September 2001. The new ideological atmosphere, overlaid by the war on terrorism, tends to consider such people and groups as "terrorist-breeding" groups, a new term that the Special Rapporteur is coining to describe the slippery slope along which the media and academia are sliding when they describe population groups and even cultures and

religions as posing a "high-risk". In that regard, the upsurge in racism and xenophobia constitutes not only a threat to the most targeted populations, but ultimately a mortal danger for democracy and for articulating a dynamic of a clash of civilizations.

2. Ideologies of hate and xenophobia and their peddlers

9. As reiterated above, the acts of violence, discrimination and exclusion reported in various States do not just happen; they are shaped, mobilized and directed by individuals, extreme political groups, as well as movements that utilize different instruments of organization. The wide reach of propaganda and the proliferation of organizations that advocate racism and xenophobia in Europe can be gauged by brief national descriptions of representative samples as follows.

10. The leading racist and xenophobic party in France is the *Front national*, led by Jean-Marie Le Pen, who garnered 17 per cent of the national vote in the 2002 presidential elections, achieving the second best score and defeating the then Prime Minister, Lionel Jospin. In the second round of the elections, Le Pen sent shock waves throughout the country. One of the main goals of the *Front national* platform, based on hate and exclusion, is to give preference to nationals and Europeans with regard to jobs and housing, and immediately expel all illegal immigrants. Jean-Marie Le Pen also undertook to stop the immigration of spouses or other relations of immigrants already in France and suppress the automatic acquisition of French nationality. His political platform encompasses three central concepts of xenophobic discourse: rejection of cultural diversity, preference for nationals and prevention of family reunions.

11. In 1999, Bruno Maigret, Jean-Marie Le Pen's second-in-command, left the *Front national* to form a new party, the *Mouvement national républicain*, with an even more virulent racist and xenophobic platform. Other extraparliamentary groups (*Unité radicale*, *Union de défense des étudiants nationalistes*, *Oeuvre française*) also espouse anti-Semitic and racist platforms. Taken as a whole, these groups constitute not only a threat to the democratic values on which French society is founded, but also to the entire international community. In its latest report on racism and xenophobia in France, the National Consultative Commission on Human Rights found that about a third of all anti-Semitic crimes were perpetrated by members of the extreme right.[5] The electoral clout of the French extreme right is disquieting to the extent that it indicates the existence of a racist and xenophobic culture in French society.

12. In Germany, the three main xenophobic and anti-Semitic parties are the German People's Union, led by the millionaire publisher Dr. Gerhard Frey, the German National Democratic Party and the Republicans. The latest annual report of the Federal Office for the Protection of the Constitution[6] reports that there were 169 extreme right organizations and groups at the end of 2003 (compared to 146 in 2002) with a membership of about 41,500 people (compared with 45,000 in 2002, the first decline in nine years) the majority of whom are extreme right skinheads. The number of neo-Nazis increased considerably from 2,600 in 2002 to 3,000 in 2003, a jump of 15 per cent. Neo-Nazi groups also increased from 72 in 2002 to 95 in 2003.

13. According to the statistics of the Federal Criminal Office, 10,792 extreme right-wing crimes were reported in 2003, compared with 10,902 in 2002, a drop of 1 per cent. However, the situation remains alarming. In view of the serious situation in Germany, the Minister of the Interior launched a broad-based action and awareness-raising programme in 2000 targeting especially the youth; it includes, inter alia, an Alliance for Democracy and Tolerance — Against Extremism and Violence, a hotline against right-wing extremism, information magazines and brochures as well as exhibitions and educational computer games.[7] In 2001, the Ministry for Family Affairs, Senior Citizens and Youth launched a similar programme entitled "youth for tolerance and democracy and against the extreme right, xenophobia and anti-Semitism".[8] These educational initiatives are all the more critical since there is evidence that the success of skinhead and neo-Nazi groups is in no small measure due to the development of a musical culture, comic strips and video games that disseminate racist theories among the youth and extol violence against minorities. Such initiatives have also been adopted by many Federal States.[9] Furthermore, ECRI recommended that they should be strengthened.[10]

14. As in other countries, the German extreme right parties are increasingly using the Internet to spread their racist, xenophobic and anti-Semitic messages. The German authorities have taken steps to enhance the accountability of Internet web-site providers. One of those measures was adopted in the State of North Rhine Westphalia, where Internet web-site providers are now liable for illegal web contents. The measure seems to have borne fruit since, in the majority of cases, providers voluntarily withdrew racist, xenophobic and anti-Semitic contents and in others cases complaints were brought before the courts. That experience at the regional level could serve as a stepping stone for national-level initiatives.

15. The United Kingdom of Great Britain and Northern Ireland also faces challenges of racism, ethnocentrism and xenophobia. The leading extremist political group is the British National Party (BNP), which obtained the best result ever by an extreme right party since the 1970s in the 2003 local elections. That was probably due to the change of strategy that the new leader of the party, Nick Griffin, had wanted to make since 1999. He wanted to give the party some respectability, toning down its language while maintaining the same racist and xenophobic policy.

16. The tactics and strategies of BNP run the spectrum of holding festivals, involvement in elections, dissemination of publications, holding rallies and of the Internet, as well as infiltration of youth and community associations. Their campaign of violence and intimidation is carried out against minorities and new immigrants, especially Muslims and asylum-seekers. "The Situation of Muslims in the UK" report of the European Union Accession Monitoring Programme states that BNP honed its "racism into a specifically anti-Muslim message" and exploited the tragic events of 11 September 2001 to increase its levels of demonstrated hatred through more violent attacks.

17. A new racist party, the November 9th Society, was established in 2004. It openly proclaims its status as a British Nazi party with a platform based on the theories of Hitler and the superiority of the Aryan race. Its aim is to drive out all non-Aryan immigrants and strip them of their British nationality and to make being homosexual or a communist a crime.[11] Extraparliamentary groups like Combat 18, which developed links with the Loyalist Ulster Defence Association; Blood and Honour, which maintained close ties with skinhead bands; the International Third

Position, which promotes traditional religious right-wing causes; and the National Revolutionary Faction, which adheres to the concept of a leaderless, cell-based white supremacist structure, along with several small extreme nationalist and white supremacist groups, carry out a wide-ranging agenda of racism and xenophobia.

18. As in the other States discussed above, these extremist movements are all the more dangerous since they not only mobilize large segments of society, but also establish networks of propaganda and violence across national frontiers in continental Europe, Eastern and Central Europe, Australia, the Americas and the Middle East.[12] The example of the United Kingdom illustrates two serious developments in xenophobic and racist discourse: first, the amalgamation of religion, culture and race, to which the rise of a new object of ostracism, "the Muslim-Arab-Asian", attests; and, second, the public and open expression of discriminatory discourse by prominent intellectuals and media personalities, as demonstrated by Robert Kilroy-Silk, a famous television presenter whose programme was suspended by the BBC in January because of an openly Islamophobic article he wrote in the British press. The resonance of this discriminatory discourse in the United Kingdom has just been confirmed by the excellent showing achieved by the party Kilroy-Silk joined, the United Kingdom Independence Party, in the June 2004 European elections.

19. In Austria, in the 1999 general elections the extreme-right Freedom Party (FPÖ) became the country's second party with 27.7 per cent of the vote and joined the conservative People's Party in the Government. This victory aroused serious concern in all European countries since the party's programme is openly racist and xenophobic. The main targets of its propaganda are non-EU nationals, including asylum-seekers and refugees, who are held to be responsible for unemployment, street crime, increased expenditure on security and border control and social security abuse.[13] The mere presence of persons of non-Austrian origin in Austria is portrayed as a threat to the country and to national identity. Since the collapse of the Government in 2002, FPÖ has seen a marked decline in its share of the vote (10 per cent in the 2002 general elections) but has managed to remain in the coalition Government, obtaining several ministries.[14] The adverse impact on society of the continuous presence in government of an openly intolerant and xenophobic party cannot but cause concern.

20. The Austrian experience also illustrates a grave danger threatening democratic systems in Europe and throughout the world: the influence of the extreme right on traditionally democratic parties. First, by linking foreigners and insecurity, the extreme right encourages traditionally democratic parties, particularly those on the right, to incorporate this security-oriented and intolerant discourse in their platforms for fear of losing part of their electorate. Second, the traditionally democratic parties of the right are increasingly likely to form alliances with the extreme right, which is thus able to enter national governments and, to some extent, impose its racist and xenophobic platform. Italy is another example of this type of coalition government between the right and the extreme right.

21. Denmark has a modern history of cultural tolerance exemplified by its defence of the Jewish community during the Second World War. It is not, however, immune to the worldwide trends of rising racism and xenophobia, as demonstrated by the 12 per cent share of the vote obtained by the Danish People's Party in the November 2001 parliamentary elections. This is a new anti-immigration party formed

following a split in the Progress Party. Openly racist and xenophobic, it focuses on the threat posed by Muslims to Danish Christian society and advocates the expulsion of non-white immigrants and refugees. A key plank in its political platform was anti-immigrant, anti-Muslim messages that included a picture of a young blond girl accompanied by the slogan: "When she retires, Denmark will have a Muslim majority."[15]

22. The increasing ability of the People's Party to disseminate its racist and xenophobic message can be gauged not just in terms of its electoral success and political gains, but also the partial incorporation of its xenophobic ideas by the ruling Liberal Party. Although it excluded the People's Party from the centre-right coalition currently in power in Denmark, it has incorporated part of its anti-immigrant programme, adopting more restrictive immigration laws. Bashy Quarishy, Chairperson of the European Network against Racism noted: "People who do not look Danish are looked upon as an unnatural part of Danish society. The politics of hate has crept into the body politic of Denmark and its main characteristic is anti-Muslim feeling."[16]

23. In the Netherlands, the major peddlers of hate and xenophobia have been the extreme right-wing parties (Centrumdemcraten, Nieuwe Nationale Partij, Nederlands Blok) and a host of extra-parliamentary groups. According to a study on racist violence and violence incited by the extreme right conducted by the Dutch Monitoring Centre on Racism and Xenophobia,[17] racist violence in the Netherlands usually manifests itself as racist graffiti, threats, bomb scares, confrontations, vandalism, arson, assaults and homicides. Such acts increased continuously from 1996 to 2000, although there was a slight fall in 2001 owing to a significant reduction in racist graffiti; however, the incidence of most other acts rose. Acts of racist violence committed by the extreme right have apparently increased as a proportion of the total in recent years, although they remain a minority. Following the attacks of 11 September 2001, a wave of Islamophobic violence has also been reported.

24. According to the Monitoring Centre, these figures represent only a tip of the iceberg, since the vast majority of violent acts are not reported by the victims. The real figures could be 4 to 20 times higher (between 1,600 and 16,000 incidents in 2000). The European Monitoring Centre on Racism and Xenophobia supports the estimate of 16,000 cases.[18] Beyond the figures, it is worrying to note that, owing to its social dimensions, the problem of racial violence and violence incited by the extreme right is a major obstacle to integration in the Netherlands.[19]

25. The politics of hate, racism and xenophobia is also manifested in many other States in Western, Central and Southern Europe. The list of openly racist and xenophobic political and paramilitary groups is long and diverse. In Italy, two openly xenophobic parties, the National Alliance and the Northern League, have been in power since June 2001, forming a coalition government with the party of Prime Minister Silvio Berlusconi. The representatives of these parties spread racist and anti-immigrant discourse in Italian society and have obtained the adoption of a particularly strict immigration law (the Bossi-Fini law, named for the leaders of these two parties), which was recently called into question by the Italian Constitutional Court. In Belgium, the far-right Flemish Bloc enjoys 15 per cent of the vote in the Flemish region and pours forth xenophobic words and initiatives. In Spain, two populist and xenophobic parties of the extreme right, Spain 2000 and

National Democracy advocate economic protectionism, the exclusion of illegal immigrants and the total rejection of European structures and regional autonomy.

26. Switzerland, with the largest number of asylum-seekers per capita in the developed world and renowned for its generous provision of housing, food and schooling for refugees, had its policy challenged by the Swiss People's Party in the October 2003 elections, which saw this party consolidate its position following a highly publicized xenophobic campaign. In addition to the extreme right-wing groups that propagate racist ideas, paramilitary and "pseudo-intellectual new-right" circles peddle xenophobic ethnocentric ideas through lectures and public meetings[20] designed to reverse existing policies of tolerance and inclusion.

27. The situation in the Russian Federation is becoming particularly worrisome, with an increase in violence against foreigners, particularly Caucasians, Asians and Africans. Overtly racist verbal abuse and physical violence by organized groups have generated an atmosphere of total insecurity in daily life for many foreigners. In 2002, diplomats from 37 African States appealed to the Ministry of Foreign Affairs to ensure the protection of their nationals. According to recent press reports, Russian human rights groups have documented widespread harassment, often occurring with the compliance or support of the police.[21]

28. According to Amnesty International, the extremist group Russian National Unity is responsible for numerous acts of racist vandalism, the distribution of anti-Semitic tracts and death threats against activists involved in combating racism. Recently, a human rights defender Nikolai Girenko, a particularly active opponent of racism, was murdered. Amnesty International has expressed deep concern about the rise in racism and racist crime in the Russian Federation and, in particular, about skinheads who have reportedly committed numerous racially-motivated murders, including those of a six-year-old Roma girl in September 2003 and a nine-year-old Tajik girl in February 2004.[22]

29. The main challenge for the authorities is, in line with the Durban Declaration and Programme of Action, to elaborate a national plan against racism and take concrete measures, notably for the law and order institutions to repress all acts of racism and discrimination. Political parties and nationalist groups should not be allowed to continue promoting racist and xenophobic platforms. There is an urgent need for a solemn declaration against racism, xenophobia and intolerance by the highest national authorities, as well as a large-scale national programme, legislative and educational, to reverse the racist and xenophobic dynamic that threatens to erode and pervert the democratic development of Russian society.

B. Asia

30. In Asia, home to a diversity of nations, cultures, religions and civilizations, racism, ethnocentrism and xenophobia are intertwined with the problems involved in the process of nation-building in a post-colonial era. Frequently, clashes of economic or political interests, combined with the ideologies of exclusion advocated by xenophobic and nationalist groups, have created the conditions for the emergence of racism towards ethnic groups. Many indigenous populations, such as the Cordillerans (mountain people) of the Philippines, the Karen and Shan peoples in the highlands of Myanmar, the Naga, Mizo and other groups in Tripura and neighbouring regions of Bangladesh, suffer exclusion and persecution, while

violence is inflicted on communal groups — Christians, Muslims, Hindus and Buddhists — targeted for their race, religion or ethnic origin.

31. In India, while efforts have undoubtedly been made and tremendous gains achieved in the political, constitutional, legal, economic, social and educational fields, discrimination, particularly as manifested in the caste system, still plays a role in violence and social division, especially in provincial India. Although the 1950 Constitution outlawed discrimination and introduced quotas for government jobs, thereby promoting millions of untouchables and members of indigenous tribes, discrimination remains deeply entrenched in society. As to political platforms, it should be emphasized that there is a xenophobic element in the platform of the Indian nationalist Bharatiya Janata Party, which held power until a few months ago.

32. In Japan, racial discrimination and xenophobia are rooted in a rigidly hierarchical social structure, characterized by persistent discrimination against marginalized groups like the Buraku, and in the conflicts with neighbouring countries that have marked its history, giving rise to strong racist sentiment towards other Asian communities, notably the Korean community. Statements by politicians and the writing and teaching of history reveal that, even today, this ideology of discrimination is still firmly implanted in the Japanese psyche.

C. Africa

33. Africa is home to a great diversity of ethnic, cultural and racial identities. During the colonial period, the racial aspect was foregrounded. It was used to establish the continent's geographical boundaries, and societies were divided along racial lines. At independence, race served as an excuse for communal conflicts in States that inherited settler populations.

34. However, the worst carnage seen since the end of the Second World War has involved intraracial violence, like that inflicted by the Hutus on 1 million Tutsis in Rwanda in 1994. This genocide, which was particularly harrowing owing to the organized and systematic manner in which it was carried out, the number of victims and the passivity and impotence of the international community and the United Nations, serves as a warning of the deep-rootedness, resilience and extreme violence of racial and ethnic hatred at the dawn of the third millennium. The central issues highlighted by the Rwandan genocide are not only the contagiousness and vitality of racial hatred in the region, but also the ethical complacency and political demobilization of the international conscience, which has failed to support efforts to combat racist and xenophobic cultures and mentalities. This has resulted in an inability to find far-reaching and sustainable responses and thus in a culture of impunity and recidivism, shockingly illustrated by the massacres regularly committed by the perpetrators of the genocide. The horrific massacre on 13 August 2004 at the transit camp in Gatumba, Burundi, of 160 Banyamulenge refugees, ethnic Tutsis from the Democratic Republic of the Congo, is the latest tragic episode in an endless chain of unpunished ethnically-motivated massacres committed on the continent, including in Liberia, Sierra Leone and Côte d'Ivoire.

35. The conflict between "Arabized" Sudanese in the north and darker-skinned Sudanese in the south has claimed the lives of 2 million people and displaced 4 million more and, while the conflict seems to be dying down, massacres, allegedly ethnically motivated, are continuing to claim victims in the Darfur region. The war

in the Democratic Republic of the Congo, which has taken the form of myriad conflicts between ethnic groups, regional factions and warlords, has also given rise to communal violence, in which more than 3 million people have died in the last five years alone.[23] The Special Rapporteur therefore proposes to give greater priority to this region with a view to conducting as rigorous and full an investigation as possible of the ethnic dimension of the conflicts ravaging it.

D. South America

36. In South America, colonialism and slavery have created a society in which racial divisions constitute the basic framework for human and power relations. The societies of this hemisphere were built on an historical legacy of racism and discrimination, which constituted the ideological underpinnings of slavery and colonialism. The initial discrimination against the indigenous Amerindian peoples, which in some regions led to entire communities being wiped out, was perpetuated and became entrenched with the enslaved communities of African origin. As a result, in most countries of the region, there is a disturbing overlap between areas of poverty and marginalization and the areas in which these communities are settled. Generally, political, economic and social stratification coincide with race- and colour-based stratification. Political parties are founded, structured and organized around this ideology of racial and ethnic discrimination. The main challenge facing these countries is to acknowledge the reality and deep-rootedness of the historical legacy of racism and discrimination and, at the same time, to transform the current model of ethnic and cultural diversity, which is inegalitarian and discriminatory, into a democratic, egalitarian and interactive cultural and ethnic pluralism. It is perhaps in this region, owing to the extreme violence with which its very diverse races, peoples and cultures were brought together, that there is the best chance of true multiculturalism — not juxtaposition, but interaction, combining the recognition, respect and protection of specific and particular ethnic and cultural identities with the integration of these particularities in a single whole that binds, unites and surpasses them.

37. Today, in the majority of the countries of the region, disadvantaged groups are putting forward racial and ethnic elements as the determining factors in the discrimination against them. In States such as Peru, Bolivia and Guatemala, the discrimination and marginalization of the indigenous Amerindian populations remain the central theme of political debate. They are also underlying elements in the armed conflicts that have torn these countries apart. The fact that the South American States define themselves mainly in terms of their Iberian, Spanish and Portuguese history and culture, largely denying their African and Amerindian components and roots, has been the basis of a good deal of this violence.

38. Brazil, a symbol of flamboyant multiculturalism that claims to embrace colour-blind social policies, has been the scene of rebellions by marginalized groups denouncing the hidden reality of a deep-rooted racism that is the source of inequalities and injustice. Social and racial discrimination are juxtaposed with and feed off one another. However, the forces of change are in motion. Dialogue and public discourse are under way to place the now recognized issue of race in the larger context of political action and public policies to promote economic and social well-being and equal opportunities. The idealized image of a harmonious multiracial democracy has been abandoned in favour of developing a mature community

founded on justice and pluralism. In most States of the continent, this process is under way but is in its very earliest stages. Too often, however, political discourse remains tainted by paternalism. Indeed, public rejections of racism frequently go hand in hand with a paternalistic discourse that implies the inferiority of the other, he who must be helped.[24] The long march towards an egalitarian and interactive ethnic and cultural pluralism, as opposed to mere interracial tropical folklore designed to mask deep inequalities, seems to have begun but will require vision, vigilance and determination.

39. Contrary to appearances, and despite the widely held view that South America is an example of successful racial integration, racial and ethnic equality is far from being achieved. The fact remains that "there is a clear conflict between the formal reality of the legal equality incorporated into the laws of all countries, and the constant 'racial' and/or 'ethnic' discrimination that pervades all the various spheres of the power structure, beginning with the political sphere".[25]

E. The Middle East

40. In the Middle East, nationalists have sought to build a single Arabic nation interweaving the common culture, religion and history. However, despite the intellectual and political expression of this quest, notably by the Ba'athists in the Syrian Arab Republic and Iraq, the region is still witnessing the reality of regionalism and the solidarity of tribes and clans. In many countries political parties are structured along confessional and religious lines. The unifying factor of Islam often gives way to religious identity.

41. Lebanon in its recent history has symbolized the tragic consequences of ethnic and communal polarization, with long years of civil war. In Egypt, the situation of the Coptic Christians illustrates the reality of religious and communal tensions, antagonisms and discriminatory practices.[26] In Algeria, non-Muslims and opponents of Islam have fallen victim to the deadly violence of the Muslim radicals of the Islamic Salvation Front and the Armed Islamic Group (AIG).

42. The Israeli-Palestinian divide, along political, ethnic and religious lines, is the main consequence of the Middle East conflict. The issues of racism, ethnocentrism and xenophobia are consequently fundamental dimensions, and indeed expressions, of the conflict. The cycle of extreme violence triggered by the dynamics of occupation — violent acts of resistance followed by military retaliation — is not only terribly costly for the civilian populations on both sides (in particular the hopeless economic and social situation of the Palestinian civilians and the insecurity of Israeli civilians), but has fuelled profound ethnic antagonism and hatred. Political platforms and discriminatory practices have been built along the same lines. The present unacceptable situation of the Palestinian population, particularly in the economic, social and humanitarian spheres, is that of a population suffering discrimination. The attacks on Israeli civilians are totally unacceptable and, even if Israel has the right to defend itself, its construction of a "security wall" nevertheless constitutes a jarring symbol of seclusion, erected by a people whose entire tragic history has been marked by the rejection of the ghetto. One of the perverse effects of this conflict is its intolerable contribution to the rise of Islamophobia and anti-Semitism in other parts of the world.

43. At other levels, States and subregions in the Middle East have been locked in conflicts carried out along real and imagined lines of race, ethnicity and religion. Most of the States have large ethnic and religious minorities that have been subjected to exclusion and persecution. In fact, countries such as Lebanon, Iraq and the Syrian Arab Republic are known as "nations of minorities". Others, such as Jordan, are referred to as one State with two peoples: Jordanians and descendants of Palestinians. The larger States, from Egypt and the Islamic Republic of Iran to Turkey, have ethnic and religious minorities that have borne the impact of State-sponsored or communal-based discrimination. Even the hitherto homogenous populations of the Gulf States in the oil era now have to confront the issues of ethnocentrism and exclusion stemming from the influx of huge numbers of foreign workers. The struggle against terrorism is demonstrating its most pernicious effects in this region by literally bringing into conflict groups and communities, and even whole religions and cultures, that had spent many years constructing a vibrant and interactive coexistence.

F. North America

44. The North American region, consisting of the two developed States of the United States and Canada, is an area of contrasts: a haven for countless immigrants from all over the world, the promised land of wealth and equal opportunities, it has also developed, in its midst, some of the world's most racist and xenophobic ideologies and movements.

45. The United States as a nation started with what Gunnar Myrdal called the "American dilemma" — the contradiction between its idealistic concept of a nation founded on the values of liberty and equality of opportunities, on the one hand, and the reality of racial inequality and exclusion, on the other. Even after slavery ended and equality was proclaimed by law, the vast majority of Native Americans and African Americans, and now Latinos, live in the poorest and most marginalized social sectors. Opinions differ as to the progress achieved by the United States in the struggle against racial discrimination. Even if remarkable progress has been made, for example with respect to the access of Blacks to employment and social recognition, racism and exclusion persist.

46. At the policy level, commitments to redressing structural and social wrongs have been eroded by populist parties and movements preaching hatred and racism. The number of extremist groups such as the Ku Klux Klan and neo-Nazi groups and peoples' militias was believed to reach at least 540 by the late 1990s. To this is added the post-11 September situation, which has brought a resurgence of activity among racist and xenophobic groups and increased the level of violence, in particular against specific individuals and communities: Muslims, Arabs and Asians.

47. Due to its geographical proximity, Canada is not immune to these phenomena. Groups that preach racial or ethnic hatred do exist there. Canada's minority groups attest to the reality of racism and discrimination. And yet, this country, which also has an historical tradition of racism and discrimination, still very much in evidence in the economic and social spheres, has developed a legal strategy for combating racism and discrimination that is ahead of all countries in the hemisphere. However, because of its basic identity as a major immigration country, it must not only establish an innovative and flexible political and legal framework, but also develop

an intellectual and ethical strategy designed to promote a genuine, more egalitarian and interactive multiculturalism. The Special Rapporteur submitted to the sixtieth session of the Commission on Human Rights a report on his visit to Canada (E/CN.4/2004/18/Add.2). He is delighted to have received an invitation from the Canadian Government for a follow-up visit.

1. Racism, ethnocentrism and xenophobia in public discourse

48. For long periods of their history, the United States and Canada had laws and regulations sanctioning discrimination and exclusion of certain racial and ethnic minorities. The so-called Jim Crow laws in the United States legalized segregation and sought to curtail the rights of African Americans on the basis of the "separate-but-equal" Supreme Court decision.[27] Similarly, when the Fourteenth Amendment to the United States Constitution provided "citizenship status to African-Americans, native Americans were not considered citizens".[28] The Supreme Court ruling that Indian tribes were in a state of "pupilage" (a minor child under a guardian) laid the basis for them to be considered as wards of the State and not full citizens. As such, they could be denied civil, political and economic rights. Likewise, Frank H. Wu attributes the myth of the Asian as the unassimilable perpetual foreigner to the Chinese Exclusion Act (1882), which aimed at preventing Asian immigrants from gaining citizenship.[29]

49. With the civil rights movement came changes by way of the removal of legislative barriers to equal opportunity and justice under the law. Minorities gained much greater access to education, public office and economic opportunities. A significant middle class of minorities emerged, as exemplified by the considerable rise in the number of Blacks, Latinos and Asian and Pacific Islanders in higher education and matched by their economic progress.

50. Despite this considerable progress, discrimination against racial and ethnic minorities remained fairly widespread. Eradicated on paper, racial hostility did not seem to have diminished in people's minds, for that is the hardest thing to eradicate, once it has taken hold. Moreover, racism against Blacks and indigenous Americans is also practised by ethnic groups other than the Anglo-Saxons who came from various parts of Europe. Benjamin Franklin, expressing the monocultural conceptualization of nationhood of his time, differentiated even among the white ethnic groups when he feared Pennsylvania would become "a colony of aliens, who will shortly be so numerous as to Germanize us instead of [us] Anglifying them". Limits were also imposed on the immigration of Catholics, Jews and other minorities. Hostilities against minorities from Southern and Central Europe were rooted in fears of having to incorporate different cultures and the desire to preserve the dominance of white Anglo-Saxon Protestants.

51. Over time, the United States has opted for a policy that is multiracial, pluralist and open to diversity. But some thinkers and activists have continued their attempts to crush the collective progress made in this area, maintaining that diversity and pluralism are dangers to the State. A symbolic episode in the resurgence of the racial tensions and violence occurred in 1992, in Los Angeles, when white police officers, on trial for the brutal beating of a black man arrested for speeding, were acquitted by a white jury. Riots broke out immediately, and for two days the city was rocked by a virtual civil war between the black community and the police, which left some 40 people dead. In fact, social differences do marginalize poor ethnic groups in vast

ghettos. The various ethnic communities live side-by-side in a burgeoning climate of urban violence, and have ceased to believe in the melting pot: "The assertion of civil rights has now been replaced by a defensive, community-based withdrawal, which threatens the cohesion of American society".[30]

2. The resurgence of extremism, ethnonationalism and xenophobia

52. As in Europe, extremist organizations who preach racial and ethnic hatred are very common in the United States. The Ku Klux Klan, formed in the second half of the nineteenth century, rose to become one of the most racist and murderous organizations of all time. Declaring itself "100 per cent American, 100 per cent Christian and 100 per cent Protestant", by 1921 the Klan boasted 1.2 million members and at its height approached 6 million. It is survived by a number of splinter groups such as the United Klans of America, The Invisible Empire, and the Knights of the Ku Klux Klan.[31] One of its most famous leaders, David Duke, currently heads the openly racist and anti-Semitic European-American Unity and Rights Organization.

53. Of the many other racist and xenophobic organizations, the most dangerous and best organized are the National Alliance, which promotes neo-Nazi ideas through hate-rock music and distributes leaflets, tapes and magazines; the Christian Identity Movement, which pushes a racist, anti-Semitic agenda; the Eleventh Hour Remnant Messenger, which peddles pseudo-theological messages through mass mailings; the World Church of the Creator, which focuses on the recruitment of college students; and the National Socialist Movement, which publishes a racist newspaper with a circulation of 100,000. These organizations are buttressed by a huge number of small groups which disseminate their racist, xenophobic and sectarian propaganda through music, comic books, marches, rallies, leaflets, active recruitment and the Internet. They are also not afraid to exploit democratic values such as freedom of expression to achieve their objectives more effectively.

54. Even if North America's racist and xenophobic extremist movements are mostly white, there are other groups that expound discriminatory ideologies. The Nation of Islam movement, for example, led by Louis Farrakhan, campaigns for black identity within Islam.

55. The huge increase in the use of information technology, by all discriminatory parties and movements, in order to spread their beliefs, gives some sense of the enormous damage that can be caused by their ideas. The Internet, a major weapon in the struggle of ideas, has been utilized effectively by individuals, groups and institutions advocating hate, xenophobia and separation. Accordingly, "in 1995 there was only one web site associated with white supremacy ... by 1999, there were 1,800 web sites associated with white supremacy groups and individuals espousing various racist and other hate-filled messages".[32]

III. Recommendations

A. Recognition and awareness

56. **The current realities of racism, ethnocentrism, xenophobia and related intolerance should be acknowledged as major threats to peace, security and**

human development. Paragraph 115 of the Durban Programme of Action, which "[u]nderlines the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia by developing voluntary codes of conduct which include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance", should be the cornerstone of all political programmes in the States Members of the United Nations.

B. Prohibition of racist and xenophobic programmes and ideas

57. States must exercise greater control over racist and xenophobic statements and ideas — especially when they are expressed by representatives of political parties or other ideological movements — and ensure that such activities are stopped. Freedom of expression cannot be used to justify incitement of this kind. The law should also prohibit any party or movement from promoting racist and xenophobic ideas. Moreover, Internet sites with racist content should be prohibited and monitoring procedures introduced to this effect.

C. Establishment of monitoring, reporting, documentation and information processing institutions and procedures

58. Information, data collection and documentation of incidents, movements and propaganda materials are key to responding to immediate problems as well as to avoiding long-term disasters. Just as the need for early warning systems for weather-related catastrophes is now firmly established, a preventive monitoring system against potentially explosive racial, ethnic or religious conflicts is warranted as well. Early warning systems that monitor developments in communal violence can detect changes through the recording of racist incidents, the spread of hate literature or the mobilization of groups for war.

59. The collection and processing of information on cases of violence, discrimination and unfair violations of individual and group rights need to be conducted by autonomous, complementary and mutually balancing institutions such as statistical bureaux, universities and schools, community groups, legal bodies, international organizations and research establishments. Monitoring, processing and dissemination of information to policy-making bodies and the public at large should be conducted by organizations at the national, regional and international levels. It is now widely accepted that the mass killings and genocides that were allowed to take place in Rwanda, the Balkans and other areas could have been prevented by information-gathering and dissemination systems that would have alerted the world public. The key steps to prevention — establishing universal principles and standards; monitoring developments; recording cases, events and trends; assembling, processing and relaying information to all concerned — need to be institutionalized.

D. Developing an intellectual and ethical strategy against racism, racial discrimination, xenophobia and related intolerance

60. **The eradication of racism requires going beyond basic political and legal strategies. Racism is a huge iceberg whose visible tip — its expressions and concrete manifestations — hide its deep-rooted causes. The roots are embedded in beliefs, value systems, traditions, perceptions and individual and collective feelings, in other words in culture. The culture of discrimination is not an unidentified flying object coming in from outer space, but a long and elaborate construction, built up through time and space, constructed on an intellectual and "scientific" foundation and made substantial through processes of education, image and identity-building. Consequently, combating it requires archaeology and deconstruction: understanding its processes, its mechanisms, and its spoken as well as its non-spoken language. The urgency of adopting a strategy to this end is justified by the fact of the resiliency and the living reality of racism in acts of daily life and the deep, negative perceptions and images of communities in States that have already adopted elaborate political and legal strategies to combat lasting legacies of racial prejudice.**

61. **In this context, States should develop awareness-raising and education programmes to promote tolerance and diversity and combat violence and exclusion, at both local and national levels. More particularly, consideration should be given to the dissemination of such messages of tolerance through magazines, cartoons, games, films and other highly popular youth media.**

E. Promoting democratic political vigilance against the normalization of the racist and xenophobic agenda of the extreme right

62. **The rise of racism and xenophobia on many continents and in many States can be explained by the capacity of the extreme right to shape the national political agenda around nationalist, xenophobic and racist ideas and policies under the guise of protecting national employment and combating immigration. In order to win elections, many political parties are promoting political platforms espousing these ideas and policies. A careful study of political debates in several States, in particular in Europe, will show without doubt the steady and powerful penetration of the platforms of xenophobia and discrimination of the extreme-right parties in the agendas of the traditional democratic parties, from the right and the left. The post-11 September atmosphere is revealing the profundity of their impact, with the intellectual and ideological legitimization of these platforms in the writings and discourse of leading scholars and writers. The theory of the inevitability of a "clash of civilizations" is slowly but steadily becoming an ideological reference point for political leaders.**

Notes

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Promotion and protection of the rights of children

Comprehensive assessment of the United Nations system response to children affected by armed conflict**

Report of the Secretary-General

Summary

The report is submitted pursuant to General Assembly resolution 57/190 of 18 December 2002, in which the Assembly requested the Secretary-General to undertake a comprehensive assessment of the scope and effectiveness of the United Nations system response to the issue of children and armed conflict.

The assessment focuses on three key issues: the development and application of international standards relating to children affected by armed conflict; the degree of mainstreaming of these issues within the relevant United Nations entities; and the effectiveness of coordination within the United Nations of concerns relating to children affected by armed conflict.

Significant progress has been achieved in efforts to strengthen international norms and standards, and Member States have played a significant role in this endeavour. The inclusion of concerns relating to children affected by armed conflict on the agendas of the General Assembly and the Security Council has enhanced child protection initiatives. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict has helped in raising the profile of issues relating to children affected by armed conflict. UNICEF, as well as non-governmental organizations, has also contributed to the development of a robust framework for norms and standards relating to children affected by armed conflict.

* A/59/150.

** The delay in the submission of the report is due to the need to undertake extensive consultations with the relevant entities of the United Nations system.

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The assessment concludes that more needs to be done by the various components of the United Nations, in particular to apply the accepted norms and standards and to put in place an effective monitoring and reporting mechanism. The report outlines recommendations for continued vigorous advocacy; an effective monitoring and reporting system on child rights violations; and enhanced mainstreaming and improved coordination across the United Nations system.

I. Introduction

1. In 1996, in her landmark study, "Impact of armed conflict on children",[1] Graça Machel called on the United Nations system to address issues relating to children affected by armed conflict in a comprehensive manner. The report set forth specific recommendations that required changes in the United Nations system's response to child protection in armed conflict settings.

2. Seven years later, the General Assembly, in resolution 57/190, requested the Secretary-General to undertake a comprehensive assessment of the scope and effectiveness of the United Nations system response to the issue of children and armed conflict, including recommendations for strengthening, mainstreaming, integrating and sustaining those activities. The Secretary-General tasked the Monitoring, Evaluation and Consulting Division of the Office of Internal Oversight Services of the Secretariat to undertake this comprehensive assessment and to take into consideration the views of a wide range of stakeholders, including key United Nations organizations, Member States and relevant non-United Nations actors, in order to ensure an inclusive approach and consensus on future actions.[2]

II. Objectives and methodology

3. In order to assess the scope and effectiveness of the United Nations system's response to issues relating to children affected by armed conflict and to provide concrete recommendations for improvement, the assessment focused on three key issues:

(i) The development and application of international norms and standards for children affected by armed conflict, including progress in establishing a monitoring and reporting system for child rights violations in the context of armed conflicts;

(ii) The degree of mainstreaming of issues relating to children affected by armed conflict within relevant United Nations entities;

(iii) The effectiveness of United Nations coordination of concerns relating to children affected by armed conflict.

4. On each of these three issues, the 1996 Machel report provided guidance for the United Nations system. The present report therefore uses this framework as a baseline from which progress may be measured.

5. Various methods of data collection and analysis were employed to ensure the reliability and validity of findings. The assessment team interviewed more than 200 interlocutors. Twenty United Nations entities in New York and Geneva, more than 25 non-governmental organizations (NGOs), and more than 20 Member States were consulted. Two field visits were conducted to meet with United Nations actors on the ground, NGOs, community organizations, and government representatives, as well as with children in conflict or post-conflict situations.[3] In addition, the Office of Internal Oversight Services administered a comprehensive survey of United Nations and NGO field personnel concerning children affected by armed conflict, to which responses were received from 28 countries. Extensive documentary research was undertaken to substantiate conclusions. The assessment team consisted of three internal consultants from the Monitoring, Evaluation and Consulting Division of the

Office of Internal Oversight Services and two external expert consultants with substantial experience of children affected by armed conflict, particularly in field operations.

III. Findings

A. The development and application of international norms and standards relating to children affected by armed conflict

Progress and gaps in norms and standards on child protection

6. Significant progress has been achieved in efforts to strengthen international norms and standards on child rights protection in situations of armed conflict. Member States have played a key role in this endeavour, both individually and in intergovernmental organs and entities. The Special Representative of the Secretary-General for Children and Armed Conflict has been instrumental in advocating and in raising the profile of issues relating to children affected by armed conflict and in contributing to the establishment of the international normative framework. The United Nations Children's Fund (UNICEF), as well as NGOs, has contributed to the development of a robust framework of norms and standards relating to children affected by armed conflict.[4] Particular attention has been paid to improving norms and standards to protect children from recruitment as armed combatants.[5]

7. In addition, concerns relating to children affected by armed conflict are now included on the international community's peace and security agenda. Since August 1999, the Security Council has adopted five resolutions on children and armed conflict.[6] The Security Council has also adopted resolutions requesting the Secretary-General to identify parties to armed conflict that recruit or use children in violation of relevant international legal obligations[7] and calling for a cessation of those violations. The Special Representative of the Secretary-General for Children and Armed Conflict and NGOs, among others, believe that such "name and shame" reports are a positive step forward in the application of child protection norms and standards. The Special Representative of the Secretary-General and United Nations actors such as UNICEF, as well as NGOs, have been integral to the development of this normative framework for children affected by armed conflict. Two major achievements, the product of close collaboration between the Office of the Special Representative, the Department of Peacekeeping Operations and UNICEF, were the integration of child protection elements into the mandates of peacekeeping missions and the establishment of Child Protection Advisers. The Office of the Special Representative has also worked with regional organizations, such as the Economic Community of West African States (ECOWAS), the European Union (EU) and the Organization of American States (OAS). Prior to these actions, the protection of child rights and welfare in situations of armed conflict was pursued less effectively by the United Nations, mostly through humanitarian channels. This is a significant development which, when coupled with efforts to end impunity for human rights violators, means that concerns relating to children affected by armed conflict are now addressed through political, economic and judicial initiatives, as well as through humanitarian actions.

8. Despite this progress, it should be noted that there are still gaps in the codification of norms and standards intended to protect children in situations of

armed conflict. Although the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict states that armed groups should not, under any circumstances, recruit or use in hostilities persons under the age of 18, armed groups cannot formally adhere to the Optional Protocol. Furthermore, parties to the Optional Protocol are able to establish 16 as the minimum age for voluntary recruitment. The 1998 Rome Statute of the International Criminal Court defines conscripting or enlisting children under the age of 15 into armed forces or using them to participate actively in hostilities as a war crime within the Court's jurisdiction. The reference to children under the age of 15 in the Rome Statute is consistent with the Convention on the Rights of the Child (art. 38). These discrepancies weaken protection standards for children between 15 and 17 years of age.

Application of norms and standards

9. While the development of international norms and standards to protect children in situations of armed conflict has advanced in recent years, the ultimate responsibility for enforcing compliance with them lies with Member States individually and through the Security Council and other political entities. In its first resolution on children affected by armed conflict, adopted in 1999,[8] the Security Council committed itself "to give special attention to the protection, welfare and rights of children" in its resolutions on specific conflict situations. The inclusion of concerns relating to children affected by armed conflict in Security Council resolutions has enhanced child protection initiatives in these conflict situations, in particular empowering the peacekeeping missions in the Democratic Republic of the Congo and Sierra Leone to play a child protection leadership role. However, Security Council resolutions on other countries on its agenda do not include such concerns.

10. Furthermore, Security Council resolutions that call for accountability without specifying the consequences for non-compliance may not always be effective in bringing about the desired results. Imposing bans on arms transfers to parties that use child soldiers, imposing travel bans, freezing assets and excluding child rights violators from future government structures and amnesty possibilities are among the tools the Security Council could use to increase the effectiveness of its work. Finally, children's concerns in countries affected by armed conflict that are not on the Security Council's agenda may not be adequately addressed through United Nations peace and security actions.[9] These omissions are indicative of gaps in the United Nations system's efforts to apply child protection norms and standards in situations of armed conflict.

11. United Nations actors also have important roles to play in promoting the application of child protection norms and standards on the ground. They are able to propose, advocate, negotiate, monitor and report on child rights compliance by parties to a conflict. In general, United Nations operational actors are aware of international child protection norms and standards, but their commitment to promoting them varies considerably. UNICEF, for example, has played a leadership role in addressing non-compliance concerns in the Sudan, Sierra Leone and Sri Lanka, among other countries, but has been less active in other conflict settings. In the Democratic Republic of the Congo, the United Nations Mission in the Democratic Republic of the Congo (MONUC) routinely addresses child rights violations with State and non-State actors, as does the United Nations Mission in

Sierra Leone (UNAMSIL) in Sierra Leone. Elsewhere, however, peacekeeping operations are not pursuing child rights concerns with the same attention or rigour, largely owing to the lack of comparable child protection advisers. The Office of the United Nations High Commissioner for Refugees (UNHCR) has been pursuing respect for relevant child protection norms and standards in some refugee settings, while remaining silent in others.

12. The inconsistencies of operational United Nations actors appear to result from real and perceived conflicts of interest between advocating for compliance with child rights obligations, on the one hand, and maintaining agreements or humanitarian access with Governments and, in some cases, non-State actors, on the other hand. Few United Nations actors have reviewed this question systematically to determine the extent to which engaging in child protection advocacy may have an impact on their operational activities. Such a determination would guide United Nations country team plans and actions on the ground, as well as action at the headquarters level.

13. In situations where United Nations operational actors are unable to pursue advocacy, there would be a continued need for external advocates, who can engage State and non-State actors in accountability and compliance matters more assertively. The position of the Special Representative of the Secretary-General for Children and Armed Conflict was established in 1997, in part to serve as a high-level advocate to overcome obstacles to the application of international child protection norms and standards in situations of armed conflict. Over the past six years, the Special Representative of the Secretary-General has raised the profile of concerns relating to children and armed conflict among United Nations entities, Governments and the general public, and played a catalytic role in the Security Council's engagement with respect to children and armed conflict. The requirement of submitting reports to the Security Council and the General Assembly on children and armed conflict has also increased United Nations attention to these concerns. The Special Representative of the Secretary-General has dedicated considerable resources to advocacy work, particularly high-profile field missions to situations of armed conflict. For example, in Sri Lanka the Special Representative obtained pledges from parties to the conflict there to honour international child rights norms and standards at a time when United Nations actors on the ground were unable to do so.

14. However, there have also been some shortcomings in the way in which the Special Representative of the Secretary-General addresses issues and concerns relating to children and armed conflict. United Nations actors and NGOs, as well as numerous Member States, have found reports prepared by the Special Representative for the Security Council and General Assembly lacking in appropriate content, analysis and tone. Moreover, despite achievements in Sri Lanka, most missions of the Special Representative to other countries have not resulted in sustained momentum or improvements in child protection. Staff in these countries identified a number of problems undermining the effectiveness of these field missions, including: insufficient discussion with field actors prior to departure; missions that took place too late to be of optimal value in seeking child rights compliance by parties to conflicts; the absence of clarity of agreements and procedures to ensure compliance with commitments; and insufficient communication with field offices after the missions. A majority of field staff interviewed and surveyed as part of this assessment noted that a lack of follow-up

after field visits, as well as on Security Council resolutions, greatly diminishes the impact of these efforts.

15. The broad and vague nature of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict — it does not focus exclusively on advocacy — has hindered effective advocacy. Formal terms of reference for the Special Representative, which would clarify the functions of the position, do not exist. As evidenced by the programmes of work, as well as by donor contributions, the Office of the Special Representative of the Secretary-General has been involved in a wide range of activities, well beyond what can be considered advocacy — stretching, for example, from "mainstreaming" to "capacity-building". Such diversification has consequently led to a loss of focus on activities that are necessary to ensure the sustained impact of advocacy.

16. The 1996 Machel report emphasized that "the impact of armed conflict on children must be everyone's concern and is everyone's responsibility", therefore the promotion of child protection norms and standards must not be the exclusive domain of one representative or one specialized agency. Senior United Nations officials have opportunities to raise child protection concerns in high-level settings, including with heads of State and at multi-country summits. Special representatives of the Secretary-General, resident or humanitarian coordinators and country representatives have important roles to play in advocating for the application of child protection norms and standards. One of the most positive instances of involvement by senior United Nations officials in concerns relating to children affected by armed conflict is in the Democratic Republic of the Congo, where MONUC has been repeatedly seeking compliance with child rights standards from parties to the conflict there, and is effectively promoting the integration of child protection aspects of the Mission's mandate. Unfortunately, this is one of the few instances identified by the assessment where concerns relating to children affected by armed conflict have been integrated into the roles and responsibilities of senior United Nations officials other than the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF officials. Other senior United Nations officials, such as the Chairpersons of the Executive Committee on Humanitarian Affairs and the Executive Committee on Peace and Security, as well as the High Commissioner for Human Rights also have important leadership roles to play.

Progress in the development of a monitoring and reporting system for child rights violations

17. The need to develop a monitoring and reporting system for child rights violations was cited in the 1996 Machel report. Consistency is needed in the standards and methodologies used to identify, document and verify child rights violations, and appropriate mechanisms are required to utilize this information to mobilize public opinion, policy-making, resource allocation and programme interventions. Senior United Nations officials require comparable data to make informed policy decisions. Member States also need reports and strategic analyses to inform their deliberations, resolutions and actions. Since the Machel report, there have been numerous calls to develop a specific monitoring and reporting system for children affected by armed conflict, as existing human rights systems are too broad in focus and too slow in compiling results to address these time-urgent concerns effectively.[10] Reports on children and armed conflict can have an impact on other

issues, such as the protection of civilians, and it will be important that there be overall coherence in monitoring and reporting on such related issues.

18. A number of United Nations and NGO agencies have initiated noteworthy child rights documentation projects in selected conflict-affected countries. In Sri Lanka, for example, UNICEF has facilitated a multi-agency effort to establish a database on child soldier recruitment. The Watch List on Children and Armed Conflict, a coalition of NGOs, also has launched documentation projects in several countries in conflict, and has begun to compile and disseminate global progress reports on child rights violations in particular conflict settings. The UNHCR biennial "Summary updates of Machel study follow-up activities" have been providing valuable information on the situation of refugee children in various parts of the world. These reports are based on annual protection reports submitted by UNHCR country offices. A children affected by armed conflict research consortium established by the Social Science Research Council with the help of the Special Representative of the Secretary-General has recently received funding in conjunction with UNICEF to undertake a joint project in four pilot countries that is intended to improve methodologies for the collection of data on children affected by armed conflict. Most recently, the Secretary-General, in his fourth annual report to the Security Council (A/58/546-S/2003/1053 and Corr.1-2) recommended ways to improve monitoring and reporting through further engagement of the Security Council, Governments, regional mechanisms, the International Criminal Court, United Nations country teams, NGOs and civil society groups.

19. Despite these positive initiatives, there is still no systematic monitoring and reporting system in place. Efforts to date remain piecemeal and ad hoc, and information about children and armed conflict is uneven and unreliable. There is no agreement on what to focus on, how to focus on it, what constitutes credible information and how to use it. This lack of agreement renders valid cross-agency and cross-country comparisons impossible. Key decisions are thus being reached without the benefit of reliable or comparable information.

Causes for lack of progress

20. The reason for stalled progress on a monitoring and reporting system for child rights violations has been an inability by key players to define a clear strategy. In 2001, the Special Representative of the Secretary-General began exploring the feasibility of creating a "children's observatory" which would seek to monitor the conduct of parties to conflict in respect of issues relating to children affected by armed conflict, as well as the parties' compliance with commitments.[11] However, the Special Representative was unable to secure sufficient support for the development of the observatory because operational United Nations actors and NGOs felt that the proposal did not build sufficiently on existing efforts. And while the Secretary-General's 2003 annual report to the Security Council (A/58/546-S/2003/1053 and Corr.1-2), prepared by the Special Representative, identifies a range of mechanisms that should engage in child rights compliance efforts, it does not provide a blueprint for developing operational components of a monitoring and reporting system, nor commit to any actions other than engaging in further "consultations" with stakeholders. At the same time, UNICEF and other operational actors have not sufficiently prioritized the key actions needed to address the methodological and operational gaps in monitoring and reporting.

21. There are three issues that must be addressed as first steps in establishing a robust system for monitoring and reporting child rights violations. The first challenge relates to the development of an accepted, standardized and practical methodology to identify, document and verify child rights violations. The second issue is how to establish and coordinate networks of actors on the ground to document child rights concerns throughout war-affected countries. Finally, decisions must be made on the optimal method for disseminating these field findings in order to leverage advocacy action, as well as on concrete measures to bring about the desired result. An effective coordination mechanism is essential in order to advance efforts to establish and implement monitoring and reporting.

B. Mainstreaming of issues relating to children affected by armed conflict in strategies, policies and programmes of relevant United Nations actors

Definition of and criteria for mainstreaming

22. As noted above, the impact of armed conflict on children is everyone's responsibility. Mainstreaming concerns relating to children affected by armed conflict is important for United Nations efforts in this area because one or two actors for example, UNICEF, as the lead agency for children, and/or the Office of the Special Representative of the Secretary-General, cannot develop and sustain comprehensive responses to children in situations of armed conflict alone. As demonstrated by the multi-agency response to high-profile allegations of sexual exploitation and abuse of refugee and internally displaced women and children in West Africa, United Nations and other actors have recognized the extent to which child protection issues require responses from a broad range of actors.

23. For the purposes of this assessment, mainstreaming was analysed using four criteria:

- Senior management commitment to and promotion of concerns relating to children affected by armed conflict
- Integration of concerns relating to children affected by armed conflict into policies and strategic plans
- Adequacy of in-house knowledge and expertise to inform policies, strategies and day-to-day operations
- Adequacy of financial support to ensure the above.

Each of these components has been assessed to determine the extent to which United Nations actors have mainstreamed concerns relating to children affected by armed conflict into their respective operations. The degree of mainstreaming of these concerns differs when they are divided into two categories:

- Child survival, which includes health, nutritional and other responses to address children's physical needs, such as for water, sanitation, shelter and medical assistance
- Child protection, which addresses exploitation, sexual violence, child combatants, family separation, and exposure to violence and other traumatic events.

Assessment of mainstreaming of child survival concerns

24. Child survival concerns in situations of armed conflict have achieved a higher degree of mainstreaming than child protection when assessed against the four criteria laid out above. The need to keep children alive is a concrete, measurable objective that senior management and field staff of United Nations actors routinely support, as do donor countries, as evidenced in their response to these concerns in the United Nations Consolidated Appeals Process (CAP) and bilateral funding proposals. There is a considerable body of health and nutritional expertise within United Nations agencies, and Governments have ministries and institutions of higher education have departments and schools dedicated to furthering research, practice and policy in these areas. While problems arise during efforts to deliver survival-related services to war-affected populations, these problems are usually related to lack of humanitarian access or of timely deployment of qualified staff, and to delays in the delivery of food, medicines and other supplies.

Assessment of mainstreaming of child protection concerns

25. In contrast, child protection has not been adequately mainstreamed, as measured by the four criteria above. Senior managers of several United Nations agencies reported that they find child protection more difficult to understand and to translate into programmatic actions than child survival. Part of the problem is that the conceptual and operational dimensions of child protection in situations of armed conflict are still evolving. It is considered that protection in general involves creating an environment conducive to respect for human rights, preventing or alleviating the immediate effects of a specific pattern of abuse and restoring dignified conditions of life through reparation, restitution and rehabilitation.

26. Policies, practices and programmes to create a protective environment for children are progressing but, overall, child protection practices are not as advanced as child survival practices. To date, inter-agency guidelines and programme standards have been promulgated on separated children, child soldiering, gender-based sexual violence and emergency education. While these guidelines and standards will need to continue to be field-tested and modified accordingly over time, they are sufficient to guide these aspects of protection programming for children affected by armed conflict. A remaining gap, however, is an inter-agency consensus on psychosocial responses,[12] which United Nations and NGO staff have identified as a priority concern for the majority of children in situations of armed conflict.

27. United Nations entities have achieved different degrees of child protection mainstreaming. Some have either not engaged in child protection concerns, or their engagement is recent and limited to a few selected conflict situations. They have insufficient senior management commitment and no headquarters expertise to support field efforts or to inform the mainstreaming of child protection concerns into strategic plans, policies or field activities. These entities include the Department of Political Affairs, the Department of Peacekeeping Operations and the United Nations Development Programme (UNDP). A welcome step towards mainstreaming child protection concerns was the establishment of the inter-agency working group on the protection of children in peacemaking, peacekeeping and peace-building processes in August 2001, upon a proposal of the Department of Peacekeeping Operations and chaired by the Office of the Special Representative of

the Secretary-General. The guidelines produced by this group should be finalized and circulated without further delay.

28. Some other United Nations actors, having initiated child protection mainstreaming efforts, are either not progressing sufficiently or are losing ground. UNHCR, for example, has strong policies, guidelines and training materials on children affected by armed conflict, such as the "Thematic programme on armed conflict", but they are not consistently utilized to inform agency practices or to guide implementing partners' programmes. While child protection expertise has been established or mobilized at UNHCR headquarters, regional and field offices, it has been inconsistent and even reduced or eliminated in the recent restructuring process. The Office for the Coordination of Humanitarian Affairs has effectively integrated concerns relating to children affected by armed conflict into its policy work — especially in the context of the protection of civilians and internally displaced persons — but has inconsistently included specific concerns relating to children affected by armed conflict in its senior-level humanitarian advocacy roles, for example those of the Emergency Relief Coordinator and the humanitarian coordinators, and in its field-level assessment and sector coordination roles, although these concerns have been raised in the context of the protection of civilians. The Office of the High Commissioner for Human Rights (OHCHR) has a number of staff with specialized child rights knowledge and experience but lacks a dedicated, senior-level specialist on children affected by armed conflict to ensure these issues are effectively addressed across the Office's work with treaty bodies, special rapporteurs and procedures, and field presences. Overall, therefore, while there are a few positive examples of child protection field activities, there is an insufficient degree of senior management commitment, in-house expertise and financial support to move child protection effectively into the mainstream of these United Nations actors' strategic plans, organizational objectives and field work.

29. Perhaps not surprisingly, UNICEF is the only entity that has aligned the degree of senior management commitment, strategic planning, in-house expertise and dedicated funding required to mainstream child protection into its policies, strategies and day-to-day operations. However, even UNICEF requires increased financial resources to fulfil its central role in the United Nations system with regard to children affected by armed conflict. There are a number of obstacles that UNICEF, given its mandate, needs to address more rigorously. These include: facilitation of other United Nations actors' engagement in child rights concerns, including providing support and technical expertise when necessary; improving capacity at headquarters for more effective policy and programme work relating to children affected by armed conflict;[13] developing and sustaining regional child protection competence beyond the current dedicated capacity-building project; and ensuring adequate and consistent child protection staffing in field locations to coordinate child protection activities on the ground.

Reasons for the inadequate level of mainstreaming of child protection

30. It appears that the root cause for the lack of mainstreaming is a prevailing mindset that dominates the United Nations system: most United Nations actors — particularly senior managers — do not see it as their role or obligation to develop internal capacities and mechanisms that would enable an effective response to protection concerns. Instead, they defer responsibility in this area to UNICEF and the Special Representative of the Secretary-General for Children and Armed

Conflict. UNICEF is the United Nations lead agency for children and therefore perceived to be the natural home for all operational programmes addressing children affected by armed conflict. However, UNICEF alone cannot address all facets of child protection concerns. It does not have the range of specialized knowledge of other United Nations actors to address children's needs comprehensively in all situations, nor does it have sufficient operational capacity and scale to ensure a consistently effective response. Further, the establishment of the position of Special Representative of the Secretary-General, with a relatively large support staff, has had the unintended consequence of creating the perception that the incumbent of that position is responsible for all aspects of the issue of children affected by armed conflict within the United Nations system. This is a misperception since the role of the Special Representative of the Secretary-General was designed to be non-operational and therefore precluded from addressing many aspects of the issue of children affected by armed conflict. At the same time, UNICEF and the Special Representative should do more to refute this prevailing mindset.

31. This view that concerns relating to children affected by armed conflict are the exclusive domain of UNICEF and the Special Representative of the Secretary-General has had two unintended consequences. In recent years, child protection has emerged as a distinct discipline in and of itself that requires sufficient in-house expertise to ensure an effective and appropriate response. Informed engagement on the issue of child soldiering, for instance, requires knowledge of international law, national law and customs, guidelines on disarmament, demobilization and reintegration and good practice, as well as specific guidelines and programme standards on child soldiers. Engagement on other thematic protection issues, such as separated children, sexual violence and psychosocial programming, necessitates similar knowledge, expertise and experience. Mainstreaming child protection concerns into the United Nations system should enhance, not dilute, international standards and good practices. While a number of United Nations actors can designate focal points on children affected by armed conflict and draw effectively on the child protection expertise of UNICEF and NGOs — such as members of the Save the Children Alliance — to address the issue of mainstreaming, some key United Nations organizations must do more to mainstream child protection effectively into their specific policies, strategies and day-to-day operations.

32. The second consequence of the prevailing perception that concerns relating to children affected by armed conflict are the exclusive domain of UNICEF and the Special Representative of the Secretary-General has been insufficient funding for initiatives in this area when requested by other United Nations actors. Regrettably, requests by the Department of Peacekeeping Operations for funding of child protection initiatives, such as Child Protection Advisers in peacekeeping operations, have not been fully met.

33. An analysis of the CAP from 2000 to 2002 shows that donors did not fund projects for children affected by armed conflict — regardless of the requesting agency — at the same level of funding as other projects. On average, donors provided 73 per cent of funding requested for all projects in the CAP, as compared to only 60 per cent of funding requested for projects for children affected by armed conflict over the same period. Projects focusing on child protection received less funding than child survival projects. Furthermore, 60 per cent of the United Nations and NGO staff surveyed in 28 countries affected by conflict indicated that funding levels were insufficient to meet even the most basic protection needs of children in

these situations. It may be difficult to demonstrate the impact of projects for children affected by armed conflict on the lives of children and this could explain the gap in funding such projects. However, if mainstreaming is to be successful, funding for such projects must be increased considerably. The agenda for children affected by armed conflict should also be supported through development programmes, especially those aimed at crisis prevention and recovery.

C. The effectiveness of coordination of United Nations actors in responding to issues relating to children affected by armed conflict

Headquarters-level coordination

34. A key task at the headquarters level is to develop system-wide strategies and coordination mechanisms that would harmonize the functioning of different actors addressing given concerns. Strategies should identify critical issues, prioritize actions to address them and clarify the roles and responsibilities of relevant actors. It will also be essential that the necessary steps be taken to implement the strategies and translate them into practice without delay.

35. The 1996 Machel report provided the first comprehensive strategy for moving concerns relating to children affected by armed conflict forward within the United Nations system. There has been insufficient progress in implementing these recommendations, partly due to the lack of clarity concerning responsibility for coordinating these concerns. The mandate of the Special Representative of the Secretary-General includes fostering international cooperation and contributing to coordination of efforts,[14] whereas UNICEF is the designated lead United Nations actor for children. Unfortunately, tensions have resulted in fragmented efforts. UNICEF does not always facilitate the involvement of other actors in concerns relating to children affected by armed conflict and should take concrete steps to change this situation. While the Office of the Special Representative of the Secretary-General earlier made efforts to promote cooperation, it has not been able to develop close collaborative relationships with some of the key United Nations actors and NGOs in the area of children affected by armed conflict. In particular, there has been considerable dissatisfaction with the process led by the Special Representative in preparing annual reports on children affected by armed conflict to the General Assembly and the Security Council. This is particularly unfortunate as the preparation of these reports has been one of the few times key United Nations and NGO actors are brought together on concerns relating to children affected by armed conflict. Clarification of roles and responsibilities in this area and facilitative leadership are required to regain the vision and momentum established by the Machel report process.

36. A second key task for better coordination at the headquarters level is the development of inter-agency policies, principles and advocacy strategies to move issues forward within the United Nations system. Coordination groups on internally displaced persons, gender, sexual exploitation, mine action and the protection of civilians have been effective in promoting inter-agency consensus on these concerns. The absence of a formal coordination mechanism is considered to have contributed to a lack of systematic and coordinated responses to the issues relating to children affected by armed conflict.

37. At the same time, informal United Nations and NGO working groups have been organized to collaborate on a range of important initiatives. Of particular note are the inter-agency guiding principles on unaccompanied and separated children developed by UNHCR, UNICEF, the International Committee of the Red Cross and NGOs; the Action for the Rights of Children, initiated by the Office of the United Nations High Commissioner for Human Rights and the Save the Children Alliance and involving other actors; and the Cape Town principles on child soldiers, facilitated by UNICEF and NGOs. The impact of these efforts, however, might be enhanced by their endorsement and dissemination as official inter-agency policies, principles and practices.

Field-level coordination

38. Successful field-level coordination involves identifying, prioritizing and responding to concerns relating to children affected by armed conflict in a manner that avoids duplication and ensures comprehensive coverage of affected children. It also includes promotion of programme standards and good practice and efficient use of donor funding. NGOs, which often implement the majority of field-based programmes and have considerable expertise in the area of children affected by armed conflict, are key actors and thus critical components of a coordinated response.

39. Field-level coordination was found to be inconsistent. For example, over 60 per cent of respondents to the field survey in the assessment gave poor ratings to United Nations coordination of concerns relating to children affected by armed conflict on the ground. Interviews confirmed this finding. The most common problems associated with United Nations field-level coordination were determined to be the lack of United Nations actors' commitment to concerns relating to children affected by armed conflict; the lack of qualified child protection staff; insufficient field-level staffing to coordinate these concerns; the exclusion of NGOs from planning processes; and insufficient donor support for programmes for children affected by armed conflict.

40. In Sri Lanka, United Nations coordination of concerns relating to children affected by armed conflict was found to be effective, with UNICEF playing a catalytic role in a United Nations country team that actively engages in these concerns, and working well with NGOs. Duplication has been avoided and considerable harmonization of efforts is being achieved. The country team has developed a comprehensive plan of action for children affected by armed conflict and is serving as an effective and inclusive coordination mechanism. It actively prioritizes concerns, ensures adequate coverage and promotes programme standards and good practice.

41. In the Democratic Republic of the Congo, the placement of MONUC child protection advisers in field locations was found to be ensuring an active United Nations protection presence on the ground. Given the decentralized nature of this conflict, as well as the size of the country, the deployment of child protection advisers to various locations is particularly essential for effective coordination. However, there were some instances where lack of proper hand-over arrangements between actors resulted in protection failures. In these cases, MONUC actions or civil society advocacy led to the temporary release of small groups of child soldiers,

who were re-recruited because there were no other United Nations or NGO actors available to receive them.

42. Within the United Nations system, resident coordinators or humanitarian coordinators are responsible for ensuring that coordination mechanisms are in place at the country level. These senior United Nations representatives are not always aware of concerns relating to children affected by armed conflict or of their responsibilities with regard to them. Despite the fact that child rights violations may be widespread and well publicized, these issues may not always feature in pre-assignment briefings. For example, it is regrettable that a key opportunity was missed to integrate child protection concerns into the revision of terms of reference for humanitarian coordinators during their 2003 annual retreat. This is especially striking as the revised terms of reference for humanitarian coordinators now include responsibility for internally displaced persons, gender, and sexual exploitation and violence. In spite of the recommendations in the 1996 Machel report, concerns relating to children affected by armed conflict are not included in the terms of reference for resident coordinators and relevant special representatives of the Secretary-General.

43. The regional coordinators/humanitarian coordinators are responsible for the development of the Common Humanitarian Action Plan, the part of the CAP that identifies priorities and proposes strategies to address them. An analysis of the 2000 to 2002 Common Humanitarian Action Plans for nine situations, showed a general improvement in the degree to which concerns relating to children affected by armed conflict were included in inter-agency strategies over the course of those three years. However, four of the nine action plans reviewed demonstrate extremely limited content regarding such concerns. As these action plans are a key United Nations system tool in developing strategies and coordinated programmes, significant effort is required to make sure concerns relating to children affected by armed conflict are consistently identified and prioritized in them.

Coordination between headquarters and the field

44. Headquarters/field coordination was examined from the perspective of a smooth flow of communications on concerns relating to children affected by armed conflict and harmonization of field/headquarters activities and initiatives. Member States also emphasized the need for coordinated information exchange and reporting. While the need for timely and relevant information about concerns relating to children affected by armed conflict was underscored, there was a clear preference for consolidated and analytical United Nations reporting. In this regard, the joint input from the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF to the Security Council's discussions on Liberia can be considered a positive development.

45. From the field perspective, United Nations country-based staff identified the lack of follow-up on advocacy initiatives as a significant coordination concern. United Nations country-based staff pointed out that there was often no concrete plan or direction as to how to follow up effectively on Security Council resolutions or on child protection commitments secured by the Special Representative of the Secretary-General. The lack of child protection expertise in the Department of Peacekeeping Operations at Headquarters, as well as insufficient feedback from other relevant United Nations entities, has meant that Child Protection Advisers in

field operations are not receiving proper guidance and support. It is important that the proposed internal best practice assessment of the experience with child protection advisers take place urgently.

IV. Recommendations to strengthen the United Nations system response to children affected by armed conflict

46. This assessment has highlighted the progress and remaining systemic shortcomings of the United Nations system's response to children affected by armed conflict. The recommendations for improving and sustaining efforts for children affected by armed conflict are grouped into four categories, which constitute the medium-term strategic priorities for the United Nations system to improve its response to children affected by armed conflict:

(a) Continued vigorous advocacy for children affected by armed conflict;

(b) An effective and credible monitoring and reporting system on child rights violations;

(c) Enhanced mainstreaming of issues relating to children affected by armed conflict across the United Nations system;

(d) Improved coordination of issues relating to children affected by armed conflict across the United Nations system.

47. These recommendations would constitute transitional measures towards more firmly institutionalizing United Nations system efforts for children affected by armed conflict. Following another assessment after a period of perhaps three years, consideration could be given to consolidating these actions for children affected by armed conflict within UNICEF.

A. Continued vigorous advocacy for children affected by armed conflict

48. There is a continued need for a Special Representative of the Secretary-General for Children and Armed Conflict as an independent advocate reporting directly to the Secretary-General, but also for the adoption of appropriate mechanisms for measurement of progress against benchmarks established each year.

49. The mandated functions of the Special Representative of the Secretary-General for Children and Armed Conflict should be clearly laid out in terms of reference, focusing on the following:

- Integrating children's rights and concerns into the United Nations peace and security, humanitarian and development agendas throughout all phases of conflict prevention, peace-building, peacemaking and peacekeeping activities
- Unblocking political impasses to secure commitments from political actors on child protection at the national and regional levels and ensuring adequate follow-up to these commitments

- Ensuring the inclusion of concerns relating to children affected by armed conflict in all relevant reports submitted to the Security Council by the Secretary-General

- Reporting child rights violations to relevant entities, for example the Secretary-General, the Security Council, Governments and regional mechanisms, and advocating the inclusion in resolutions of appropriate measures, for example sanctions, for actors who are violating norms and standards relating to children affected by armed conflict

- Leading a collaborative process to produce the annual report of the Secretary-General to the Security Council on children affected by armed conflict. The report would focus on progress in the application of norms and standards relating to children affected by armed conflict, including reporting on child rights violations in situations of conflict; suggestions for measures to ensure compliance with norms and standards; and high-level analysis of trends concerning children affected by armed conflict, with recommendations for improvements in the United Nations system response, in particular suggestions on how United Nations peace and security mechanisms can respond better to children affected by armed conflict and make progress on the development of a monitoring and reporting system for child rights violations

- Producing an annual report to the General Assembly and the Commission on Human Rights, using inputs from key United Nations actors. The report would include a high-level analytical assessment of: the state of children affected by armed conflict in all conflict situations (i.e., not just countries on the Security Council's agenda); progress in the United Nations system's advocacy, mainstreaming and coordination efforts on issues relating to children affected by armed conflict; and prioritized next steps for the United Nations system in improving its response to children affected by armed conflict.

- Providing proactive advocacy support to the Secretary-General, heads of agencies, special representatives, regional/humanitarian coordinators and other high-level United Nations officials, primarily through inter-agency committees such as the Executive Committee on Humanitarian Affairs, the Executive Committee on Peace and Security and the Senior Management Group, and through annual meetings of regional coordinators or humanitarian coordinators

- Co-chairing the coordination mechanism to be set up at Headquarters on children affected by armed conflict

- Maintaining high-profile public awareness of issues relating to children affected by armed conflict, as required to achieve political advocacy objectives, including cooperation with the Department of Public Information.

50. The advocacy and reporting activities of the Special Representative of the Secretary-General for children affected by armed conflict should be supported by a streamlined staff of four professionals. In addition to the post of the Special Representative of the Secretary-General, there should be a Senior Adviser; two Professional staff who would be responsible for day-to-day relations with United Nations entities and NGOs, as well as for assisting in the preparation of reports; and one Professional staff member who would be responsible for outreach and public information. In addition, there would be a total of three support staff. The Office of the Special Representative should also be provided with adequate resources to cover

field visits and other advocacy trips, consultancies and other office operations, commensurate with the streamlined structure and functions. After a period of three years, the continued need for a separate high-level advocate should be reviewed and recommendations submitted to the General Assembly for its consideration.

51. It is recommended that gaps in the application of norms and standards should be addressed by the key components of the United Nations system. Particular attention should be focused on the following aspects:

- The identification of appropriate bilateral, multilateral and regional initiatives to address the political, economic and legal dimensions of child rights and welfare concerns in countries not on the Security Council's agenda.
- Discussions to establish global policy and practice concerning child protection advocacy in order for advocacy to assume a stronger role in the future. The advocacy roles of the Emergency Relief Coordinator and the High Commissioner for Human Rights should be more systematically resorted to in support of concerns and issues relating to children affected by armed conflict.
- Development actions by United Nations country teams, with indications as to when the intervention of external advocates, such as the Special Representative of the Secretary-General for Children and Armed Conflict, would be of benefit.

B. Operationalization of a monitoring and reporting system on child rights violations

52. A robust monitoring and reporting system for child rights violations in conflict situations should be developed. This would require three distinct steps:

(i) Developing an accepted, standardized and practical methodology to identify, document and verify child rights violations;

(ii) Setting up and coordinating networks of actors on the ground to document child rights concerns;

(iii) Establishing responsibilities and procedures for disseminating and utilizing the information.

53. The first step in operationalizing a monitoring and reporting system is to establish a time-limited project with clearly delineated objectives and deliverables. It is recommended that UNICEF, working with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant United Nations entities, as well as with key NGO networks (such as the Watch List on Children and Armed Conflict), establish and facilitate an inter-agency task force to seek consensus on standard practices and approaches in documenting child rights violations in the field. Beginning immediately, the task force should undertake this time-limited project by:

- Holding a series of consultations with other United Nations and NGO actors at the field, regional and headquarters levels to identify state-of-the-art practices and approaches
- Engaging a small team of academic specialists to ensure methodologies that result from this initiative are objective, rigorous and credible

- Submitting the agreed-upon methodologies to the Headquarters coordination mechanism for endorsement and follow-up actions
- Reporting on progress being made in the Secretary-General's annual report to the Security Council on issues relating to children affected by armed conflict
- Completing the project within 12 to 18 months, supported by voluntary funding
- Reconvening subsequently on an annual basis to review and revise the methodologies.

54. The second step is to create networks whose members identify and document child rights concerns utilizing the agreed-upon methodologies. It is recommended that, simultaneously with the process outlined above, the following steps be taken:

- UNICEF and an operational, child-focused NGO network (such as the Save the Children Alliance) engage in an initiative to develop, in countries affected by armed conflict, field- and national-level child protection networks where they do not currently exist. Such child protection networks should consist of relevant United Nations actors, NGOs and civil society groups on the ground and should be organized in all relevant field situations as a standard component of emergency response operations.
- The Special Representative of the Secretary-General or the Regional Coordinator/Humanitarian Coordinator should work with UNICEF on the ground to ensure these mechanisms are established in all relevant field-based locations throughout a given country affected by armed conflict.
- Given the obstacles posed by confidentiality rules, agreements should be reached on information-sharing between United Nations actors — particularly peacekeeping missions — and operational NGOs involved in child protection activities.
- The national UNICEF-NGO partnership should establish clear progress indicators and benchmarks to monitor operational effectiveness of the monitoring and reporting system on the ground. Benchmarks and indicators should include: regularity of reporting, consistency in the use of set standards and comprehensiveness of coverage.
- Efforts to establish these national and field networks should begin immediately in all current conflict situations and be completed within the same 12-to-18-month time frame in which the standard practices and approaches in documenting child rights violations are being developed. The national UNICEF-NGO partnership should report progress to the Special Representative of the Secretary-General for inclusion in the Secretary-General's annual report to the Security Council on issues relating to children affected by armed conflict. Voluntary contributions should be sought for these efforts as well.

55. The third step in operationalizing a monitoring and reporting system is to collate and disseminate information from the field level. In this regard, it is recommended that the following steps be taken:

- The UNICEF-NGO network described above is charged with collating, prioritizing and synthesizing information collected from various field locations and with developing countrywide reports.
- Resident or humanitarian coordinators assume responsibility for dissemination of countrywide reports within the United Nations system at the country level.
- United Nations country teams ensure a response to urgent child rights concerns, including calling on an advocate such as the Special Representative of the Secretary-General as required, and use the information to follow up on abuses and violations identified and commitments made by all parties concerned, as stipulated in Security Council resolution 1539 (2004).
- NGOs continue to strengthen and utilize their own independent information dissemination channels.
- The Special Representative of the Secretary-General utilizes United Nations and independent reports for advocacy with international and regional bodies, Governments and non-State parties.

C. Enhanced mainstreaming of concerns relating to children affected by armed conflict across the United Nations system

56. In order to enhance the mainstreaming of concerns relating to children affected by armed conflict across the United Nations system, it is recommended that all relevant United Nations entities incorporate these concerns in the planning and implementation of their activities. Benchmarks to track progress in mainstreaming concerns relating to children affected by armed conflict should also be established and this progress should be monitored and reported to the Special Representative of the Secretary-General, who in turn should include these findings in annual reports to the General Assembly. In carrying out their responsibilities, executive heads should ensure that their organizations:

- Develop an agency-wide action plan for incorporating a child protection dimension in work programmes at the headquarters and field levels
- Provide guidance and support to headquarters offices and field personnel on child protection issues and the incorporation of child protection concerns in their activities
- Document and share best practices and lessons learned on child protection issues at headquarters and in the field
- Ensure flow of information between headquarters and the field with regard to child protection concerns.

57. To accomplish more effective mainstreaming, as described above, it is recommended that key agencies appoint a senior officer as focal point at headquarters for children affected by armed conflict. It is recommended that the Department of Peacekeeping Operations establish a full-time child protection expert position to provide guidance to staff assigned to peacekeeping missions and to advance mainstreaming at Headquarters. OHCHR should consider making the current part-time focal point for children affected by armed conflict into a dedicated, full-time position. These positions should be created for an initial period of three

years. The child protection experts and focal points at headquarters would support the efforts to mainstream concerns relating to children affected by armed conflict into policy and programme activities, and liaise with the Office of the Special Representative of the Secretary-General and UNICEF, as appropriate.

58. While it is necessary for key United Nations entities to mainstream concerns relating to children affected by armed conflict as a means of improving the response to the issue of children affected by armed conflict, UNICEF should be at the forefront in providing leadership and expertise on children affected by armed conflict for the United Nations system. In order to improve the child protection capacity of UNICEF to fulfil its current roles with regard to issues relating to children affected by armed conflict and to assume additional responsibilities outlined earlier in the present report, it is recommended that an appropriate number of additional posts be established in the relevant sections at UNICEF headquarters. The purpose would be to reinforce work in the key areas of psychosocial programming and child soldier demobilization and reintegration; to contribute to UNICEF monitoring and reporting efforts; to bolster inter-agency cooperation; and to provide support and expertise for other United Nations system actors on matters relating to children affected by armed conflict. UNICEF should take immediate steps to determine the number of additional posts required, other measures to increase capacity at various levels, and the resource implications.

59. UNICEF should strengthen its existing protection capacities to ensure an adequate response to concerns relating to children affected by armed conflict and — in the longer term — to provide stronger support and guidance to other United Nations actors on the ground, as well as at headquarters. UNICEF should also work with relevant United Nations system mechanisms (the Executive Committee on Humanitarian Affairs, the Inter-Agency Standing Committee, the Executive Committee on Peace and Security and the United Nations Development Group/the regional coordinator system) to mainstream leadership and advocacy roles for the protection of children affected by armed conflict into the responsibilities and terms of reference of regional/humanitarian coordinators and special representatives of the Secretary-General.

60. Furthermore, it is recommended that the following specific actions be taken by individual United Nations actors:

- United Nations actors should pursue ways to increase voluntary contributions for field programmes for children affected by armed conflict, given that projects in this area are typically funded to a lesser degree than other projects.
- The Emergency Relief Coordinator should ensure that concerns relating to children affected by armed conflict are systematically included in emergency assessments led by the Office for the Coordination of Humanitarian Affairs, as well as facilitating the incorporation of child protection requirements in CAPs.
- OHCHR should finalize and adopt the child rights policy drafted for the Office's work. The senior management of OHCHR should delineate a three-year strategy and work plan of priority activities to be undertaken internally to improve the Office's work on children in armed conflict.
- UNDP should ensure that children's concerns are integrated into its crisis prevention, early warning and conflict resolution activities, as well as its

efforts to bridge the gap between emergency relief and long-term development, notably in juvenile justice projects, as required.

- UNESCO should continue to promote the Inter-Agency Network for Education in Emergencies. UNESCO also should provide technical support for evaluations, assessments and identification of good practice.

- UNHCR should ensure that qualified child specialists are deployed in the early phases of emergency response, as called for in the 1996 Machel report. UNHCR should also reverse its recent trend of downgrading refugee children coordination and increase its field-level child protection staffing, training efforts and budgets.

- The World Food Programme (WFP) should prioritize and target food aid to support health, education and other activities for children affected by armed conflict, especially for adolescents and former child combatants.

61. Another key factor for successful mainstreaming is the commitment of senior management in the United Nations. It is recommended that the Executive Director of UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict jointly convene a meeting of the principals of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, OHCHR, the Department for Disarmament Affairs, the Office of Legal Affairs, UNDP, UNHCR and WFP twice a year to review the progress being made in mainstreaming and coordination. It is further recommended that the Secretary-General meet annually with senior managers of all relevant United Nations entities to discuss the progress made in mainstreaming concerns relating to children affected by armed conflict. This meeting would act as the primary mechanism to ensure accountability for serious and visible commitment to the issue, while also affording the opportunity for United Nations actors to update the Secretary-General on the broader United Nations system's strategy on children affected by armed conflict and to seek his support on issues requiring his direct involvement and guidance.

D. More effective coordination across the United Nations system of issues relating to children affected by armed conflict

62. Given the lack of a regular, formal coordination mechanism at Headquarters, it is recommended that the Secretary-General establish an appropriate coordination mechanism on children affected by armed conflict. A group should be set up, co-chaired by UNICEF and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, and should include representatives of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, OHCHR, the Department for Disarmament Affairs, the Office of Legal Affairs, UNDP, UNHCR and WFP. The group would also hold meetings with representatives of relevant NGOs, whenever appropriate. The group would provide reports to the Executive Director of UNICEF and the Special Representative of the Secretary-General, who would be responsible for briefing the Executive Committee on Humanitarian Affairs and the Executive Committee on Peace and Security.

63. The group would focus on the following key responsibilities:

- Developing an overarching strategy and prioritized action plan for incorporating concerns relating to children affected by armed conflict in the work of the United Nations system
- Ensuring information exchange between United Nations actors and NGOs on issues relating to children affected by armed conflict
- Establishing inter-agency policies and operational guidelines, including advocacy strategies, on children affected by armed conflict and submitting relevant recommendations and conclusions to the Executive Committee on Humanitarian Affairs for executive decisions
- Ensuring technical competence and enhanced learning from experience
- Identifying gaps in advocacy — particularly political impasses on child protection — and determining an appropriate response, for example requesting a field mission by the Special Representative of the Secretary-General to unblock political obstacles
- Identifying gaps in the United Nations system response to children affected by armed conflict and bringing them to the attention of the relevant agencies/coordinating mechanisms
- Providing input into the annual reports of the Special Representative of the Secretary-General to the General Assembly and the Commission on Human Rights
- Preparing, under the leadership of the Special Representative of the Secretary-General, the annual report of the Secretary-General to the Security Council.

64. To improve coordination in the field, it is recommended that UNICEF, working together with an operational child-focused NGO network (such as the Save the Children Alliance), lead the development of field- and national-level child protection networks in countries affected by armed conflict. A key function of these networks will be monitoring and reporting, but also coordination and ensuring coverage of programmatic concerns. Regional/humanitarian coordinators and special representatives of the Secretary-General should more consistently set up country-level coordinating mechanisms and provide overall leadership on child protection issues.

65. It has been demonstrated that field-level coordination was successful when the United Nations country team was committed to concerns relating to children affected by armed conflict, United Nations actors collaborated actively with NGOs and sufficient funding was available. It is, therefore, recommended that coordination in the field be strengthened under the United Nations country team, with UNICEF providing the necessary expertise. Field-level coordination should focus on the following key areas:

- Developing a countrywide child protection strategy that delineates the roles of each actor during each stage of an emergency situation
- Developing strategies in conjunction with the Special Representative of the Secretary-General to follow up on Security Council resolutions and other commitments to protecting the rights of children affected by armed conflict

- Providing input for the working group to develop operational guidelines and promoting their application in the field
- Sharing information between United Nations agencies and with NGOs for coordinated decision-making on the issue of children affected by armed conflict
- Facilitating the establishment of coordinating mechanisms at the sub-country/field office level
- Collating, prioritizing and synthesizing information collected from various field locations on child rights violations and developing and disseminating countrywide reports
- Coordinating approaches for a fund-raising strategy particularly with respect to the CAP.

V. Conclusions

66. While it has taken longer than originally anticipated, I believe that the present report provides the General Assembly with a comprehensive and frank assessment of the United Nations system's response to the issue of children and armed conflict. It recognizes the important steps taken in the development of international norms and standards since the landmark study by Graça Machel in 1996. I would like to express my appreciation for the excellent and thorough work of the assessment team, which has also been welcomed by the relevant entities of the United Nations which were consulted, both during the assessment and after the report had been submitted to me.

67. The General Assembly has demonstrated its commitment to the plight of children caught up in situations of armed conflict by renewing the mandate of my Special Representative for Children and Armed Conflict and providing guidance to the United Nations system during its annual review of progress in the implementation of the mandate. The Security Council has also provided leadership by adopting five resolutions to date firmly establishing concerns relating to children affected by armed conflict on the international community's peace and security agenda. The very important measures adopted recently under resolution 1539 (2004) will lead to the development of an effective monitoring and reporting system. The resolution also provides clear guidance on the role that the United Nations country teams should play in this regard. The recommendations made in the present assessment offer very concrete and practicable means of achieving a robust monitoring and reporting mechanism. I should also like to express appreciation for the important role of other United Nations bodies, as well as that of NGOs, in support of this important issue.

68. The organizations of the United Nations system have also made commendable efforts and there has been significant progress in the protection of children in situations of armed conflict since 1996. While some organizations have played direct roles, a number of departments, agencies, funds and programmes have been implementing programmes that benefit children in armed conflict situations indirectly. Nonetheless, it is evident that much more can and should be done by all parts of the system at all levels, both in the field and at Headquarters. I and my senior colleagues are determined to ensure that the recommendations contained in

this report are implemented without delay so that the United Nations can contribute to the application of the protection norms and standards which have been developed. Particular attention will have to be devoted to developing and implementing an effective monitoring and reporting system. Greater efforts also need to be made to follow up on reported violations. The ultimate responsibility for enforcing compliance lies with Member States and I call on the General Assembly and on the Security Council to continue to give priority attention to this important issue in the coming years.

69. There is no single entity that can be expected to respond to the many challenges facing children in situations of armed conflict. I welcome, therefore, the recommendations that are intended to strengthen the mainstreaming of concerns relating to children affected by armed conflict within the relevant United Nations system organizations and departments. I fully agree that we need to make more determined efforts to ensure that our work in this area is well coordinated and that measurable concrete results are achieved. The Office of my Special Representative for Children and Armed Conflict, UNICEF and other entities will have important and complementary roles to play, as outlined in the report. The assessment has confirmed the benefit of an independent advocate for children and armed conflict reporting directly to me. It is essential that the Office focus its future activities on the core functions of the mandate established by the General Assembly. Taking into consideration the findings and recommendations of the assessment, I have decided to implement the streamlined structure of the Office with immediate effect. It is crucial that the Office collaborate with other components of the United Nations system and that the products of its endeavours are based on joint efforts, including with relevant NGOs where appropriate.

70. I would like to express my sincere appreciation and gratitude to all Member States who have supported the Office of my Special Representative for Children and Armed Conflict through generous financial contributions on a voluntary basis since its inception. The achievements registered so far would not have been possible without the significant resources that have been made available in past years. More recently, donors have not been contributing funds and the available resources are expected to be exhausted by the end of 2004. Now that the assessment it had requested has been submitted, the General Assembly may wish to consider the best means of financial support for the Office, including the authorization of funds from the regular budget, which it was considering during its fifty-eighth session.

Notes

[1] A/51/306, "Impact of armed conflict on children: report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157", 26 August 1996. The report is hereafter referred to as the "1996 Machel report".

[2] Hereafter, the terms United Nations entities or United Nations actors will be used to refer to United Nations programmes, funds, specialized agencies, other entities and Secretariat offices and departments.

[3] The selection of Sri Lanka and the Democratic Republic of the Congo as assessment locations was determined in consultation with UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict.

[4] Inter alia, the 1998 Rome Statute of the International Criminal Court and the 1999 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

[5] For example, in 2000 the United Nations General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, establishing 18 as the minimum age for the participation of children in conflict. The 1990 African Charter on the Rights and Welfare of the Child, the 1998 Rome Statute of the International Criminal Court and the 1999 International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour also address child soldiering.

[6] Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004).

[7] Security Council resolutions 1379 (2001), 1460 (2003) and 1539 (2004).

[8] Security Council resolution 1261 (1999).

[9] Some progress has been made in bringing concerns relating to children affected by armed conflict to the attention of political entities outside of the Security Council, particularly those with regional mechanisms. For example, efforts led by the Government of Canada with ECOWAS in 1999 led to the April 2000 Accra Declaration on War-Affected Children in West Africa. Save the Children Sweden, UNICEF and the Special Representative of the Secretary-General for Children and Armed Conflict have continued to build on this momentum with, for example, a regional military training initiative and a "Peer Review Summit". In addition to frequent consultations with the leadership of the European Parliament, the Special Representative of the Secretary-General also proposed several provisions for child protection and post-conflict rehabilitation that were included in the African, Caribbean and Pacific-European Union Partnership Agreement in 2000. Most recently, UNICEF convened two meetings with EU General Affairs Council representatives to provide input into the "EU Guidelines on Children and Armed Conflict", adopted in December 2003. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Human Rights Watch and other NGOs have also been key participants in these meetings and other advocacy efforts with EU mechanisms.

[10] See, for example, paragraphs 240 and 284 of the 1996 Machel report (A/51/306); "The Machel Review, 1996-2000" (A/55/749, annex); and the "Winnipeg Agenda for War-Affected Children" (A/55/467-S/2000/973, annex).

[11] See A/56/342-S/2001/852, para. 21.

[12] The term "psychosocial" is meant to capture the dynamic relationship between psychological and social effects of armed conflict on children, which together have profound effects on child development and well-being. "Psychological effects" are those which affect emotions, behaviour, memory and learning. "Social effects" refer to altered relationships caused by death, separation, family and community breakdown and damage to social values and customary practices.

[13] Improved headquarters capacity is particularly required in the areas of: psychosocial programming; child soldier demobilization and reintegration; and monitoring and reporting.

[14] See General Assembly resolution 51/77 of 12 December 1996.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Safety and security of humanitarian personnel and protection of United Nations personnel

Report of the Secretary-General**

Summary

The General Assembly, in its resolution 58/122 of 17 December 2003, requested the Secretary-General to submit to it at its fifty-ninth session a comprehensive and updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of that resolution, including the progress made by the Secretary-General in pursuing accountability and assessing responsibility for all individual security incidents that involved United Nations and its associated personnel at all levels throughout the United Nations system, as well as an account of the measures taken by Governments and the United Nations to prevent and respond to such incidents.

The present report outlines the threats against the safety and security of United Nations personnel over the past year as well as provides an update on the implementation of the initiatives approved during the fifty-eighth session of the General Assembly. As these initiatives are being implemented over the course of the entire biennium 2003-2004, this report constitutes a progress report on actions that have already been taken and an indication of what remains to be done.

* A/59/150.

** The present report was delayed owing to the need to await contributions from other offices.

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I. Introduction

1. In its resolution 58/122 of 17 December 2003, the General Assembly requested the Secretary-General to submit to the Assembly at its fifty-ninth session a comprehensive and updated report on the safety and security situation of humanitarian personnel and protection of United Nations personnel and on the implementation of that resolution, including the progress made by the Secretary-General in pursuing accountability and assessing responsibility for all individual security incidents that involved United Nations and its associated personnel at all levels throughout the United Nations system, as well as an account of the measures taken by Governments and the United Nations to prevent and respond to such incidents.

2. The present report has been prepared in consultation with the members of the United Nations System Chief Executives Board for Coordination (CEB) and covers the period from 1 July 2003 to 30 June 2004.

II. Threats against United Nations personnel

3. Throughout the reporting period, United Nations personnel in a wide range of field operations continued to be subjected to threats such as hostage-taking, physical assault, robbery, theft, harassment and lengthy detention, as described in previous reports. In addition, a new and particularly devastating threat of directly targeted attack came to the fore in the explosion at the United Nations headquarters in Baghdad on 19 August 2003, resulting in the death of 16 United Nations staff members and injury to more than 150.

4. The outline of events prior to, during and subsequent to the attack of 19 August 2003 are set out in the report of the Secretary-General (S/2003/1149) of 5 December 2003 pursuant to paragraph 24 of Security Council resolution 1483 (2003) and paragraph 12 of Council resolution 1511 (2003). While the attack in September 2003 against the same facility resulted in no deaths or injuries among United Nations personnel, a number of Iraqi police were killed and wounded and the implacable hostility of the assailants was confirmed. Subsequent attacks include the assault by explosive device against the Baghdad offices of the International Committee of the Red Cross, the intimidation of locally recruited United Nations staff members in Iraq, including 2 murders, and the killing of 29 members of various non-governmental organizations in Afghanistan. Repeated threats against the Organization through web sites and other publicized statements by a number of hostile elements demonstrate the virulence, lethality and considerable geographical scope of an ongoing potential of direct attack against the Organization, its activities and its staff members.

5. As reported in past years, United Nations personnel continue to face ongoing threats to their personal safety and security in all regions in which they operate, the most dangerous of which is physical violence directed against them. Aside from deaths due to illness or vehicle and aircraft accidents, there have been 218 United Nations civilian staff members killed since 1992 as a result of malicious acts. Twenty-two of those deaths occurred during this reporting period, the majority of the dead being victims of the bomb attack on the United Nations headquarters in Baghdad (see annex I). The figure of 218 deaths does not include uniformed

peacekeepers, nor does it include the 20 United Nations civilian staff members who have lost their lives since 1992 as result of aircraft accidents due to technical problems. A consolidated list of staff who have lost their lives as result of a malicious act, as well as an indication of the status of legal proceedings undertaken by the relevant Member State, is included in the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel, 12-16 April 2004,[1] which has been submitted to the General Assembly at its fifty-ninth session pursuant to Assembly resolution 58/82 of 9 December 2003.

6. The most prevalent threats to the security of United Nations operations are physical attacks, robbery and theft. More than 120 incidents of assault, including 10 cases of rape or sexual assault, on personnel of the United Nations were recorded during the reporting period. The United Nations also received reports of 428 violent assaults directed towards non-United Nations entities, including the International Committee of the Red Cross, and national and international non-governmental organizations during this same period. Harassment of United Nations personnel continues to be widespread with at least 139 incidents during the period at checkpoints or against convoys or other activities. There were also two serious incidents of kidnapping of United Nations staff, both of which occurred in Somalia.

7. There were four bomb threats against field offices in Ethiopia, Georgia, Guatemala and Pakistan, a significant reduction from the previous reporting period. However, attacks on United Nations premises and properties in the field are an increasing matter of concern. During the reporting period, there were seven violent attacks against United Nations compounds and convoys, which occurred in Iraq (two), Ethiopia, Indonesia, Pakistan, the Democratic Republic of the Congo and Afghanistan. There were 52 reported forceful incursions into United Nations compounds, although many were a result of political protests. More than 1,256 incidents of theft involving office equipment, official vehicles, staff residences and personal belongings were reported. While theft most directly affects the quantity of material resources available for United Nations operations, it also has a significant impact on the personal safety and well-being of staff members and on the integrity of United Nations field installations.

8. As the statistics clearly indicate, the safety and security of United Nations personnel continue to be threatened on an alarmingly frequent basis. Owing to their heightened visibility as representatives of the international community, United Nations personnel are at substantial risk of being targeted by many diverse entities and individuals. As the environments in which the United Nations carries out its field activities are often characterized by high rates of unemployment, weakened institutions, and other socio-economic stress, staff members often become the targets of street crime, home invasion, or disgruntled leaders, groups or individuals. The increased number of physical assaults, thefts, incursions, kidnappings and hostage-taking incidents reported during the last year underscores this disturbing trend. The immediate impact of these attacks, as well as the perception on the part of many staff members and their dependants that they are at risk, has resulted in considerable job and personal stress. Therefore, the initiatives taken by the General Assembly in its resolution 58/295 of 18 June 2004 on strengthening the security and safety of United Nations operations, staff and premises, in response to an initial set of proposals by the Secretary-General, are an important step forward in an ongoing

programme to address a changing and far more threatening security environment at both headquarters and field locations.

III. Arrest, detention and other restrictions

9. The number of persons arrested, under detention or missing and with respect to whom the United Nations has been unable to exercise its right to protection decreased from 34 cases last year to 26. 20 United Nations staff members remain in detention in Israel (19 in the West Bank and 1 in Gaza), and 2 are being held in both Lebanon and Rwanda, while the remaining 2 staff are being held or are missing in Eritrea. A consolidated list of concerned staff members is provided in annex II.

IV. Current security management system

10. In paragraph 25 of its resolution 57/155 of 16 December 2002, the General Assembly recognized the need for a strengthened and unified security management system for the United Nations at both the headquarters and field levels, and requested the United Nations system, as well as Member States, to take all appropriate measures to that end. In early August 2003, an evaluation of all aspects of the United Nations security management system was completed and presented to a steering group led by the Deputy Secretary-General. The findings and recommendations of this evaluation, along with those of subsequent internal and external investigations into the attack of 19 August 2003, were collated for action through a number of immediate and longer-range "change management" initiatives to improve United Nations security management.

11. Immediate actions completed at Headquarters during the reporting period include developing and promulgating an enhanced standardized procedure for conducting threat and risk assessments of United Nations locations and activities in the field; upgrading Minimum Operating Security Standards (MOSS) to cater to the risks, as identified, of direct attack by explosive device or other means; dispatch of 19 support missions of the Office of the United Nations Security Coordinator (UNSECOORD) to countries of particular concern; the elaboration by the Office and the Department of Peacekeeping Operations of the United Nations Secretariat of specific security measures, including country-specific Minimum Operating Security Standards, special security structures, and rigorous controls on staff numbers, visits and travel, to address the particularly high risks encountered in Iraq and Afghanistan; concepts for a lighter international footprint for humanitarian and other United Nations activities in high-risk areas; a study of crisis management lessons arising out of the management at headquarters of the attack of 19 August 2003; and a request to the General Assembly in May 2004 for additional resources to fulfil immediate needs for security personnel and facilities protection at headquarters and field locations.

12. To address expeditiously and in a comprehensive and integrated manner the issue of longer-term concepts and requirements for the entire United Nations, a separate report proposing a unified and strengthened United Nations security management system will be submitted to the General Assembly during its fifty-ninth session.

13. Aside from providing immediate and longer-term responses to the very serious security conditions and incidents of the last year, particularly in Iraq and Afghanistan, a vital ongoing function of the Office of the United Nations Security Coordinator is supporting the Inter-Agency Security Management Network (IASMN). The Network held its annual meeting in Rome in May 2004. The meeting addressed a range of security-related issues. Notable progress on medical standards and plans for an enhanced medical system to respond to critical incidents, in coordination with the medical directors of the United Nations system, as well as advances in the area of aviation safety, was reported.

14. Other important outcomes include the endorsement by the Inter-Agency Security Management Network of the risk management model, and a recommendation for its immediate adoption as a tool to enable the articulation of security risks at the local, regional and headquarters levels. Taking into consideration inputs from the Working Group on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel over the past year, and the findings of an external evaluation of the Minimum Operating Security Standards, the Network also adopted the upgraded Standards for promulgation to the field, in order to assist each United Nations country team and operation in developing country-specific Standards requirements. It also recommended that a dedicated unit within the Office of the United Nations Security Coordinator, given available resources, be established to ensure a consistent approach to compliance. These and other recommendations will be presented for adoption at the next session of the High-level Committee on Management.

15. Over the reporting period, the Office of the United Nations Security Coordinator provided technical support and assistance to the Department of Peacekeeping Operations including the conduct of two week-long training sessions for security officers of different United Nations peacekeeping missions worldwide. The Office also assisted the Department of Peacekeeping Operations in the preparation and revision of a number of internal security management policies, procedures, and training manuals, as well as in the selection of security officers, in the planning for new missions in the Sudan and Burundi, and in the completion of security assessments and reviews for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Interim Administration Mission in Kosovo (UNMIK).

16. Some progress can be reported on the use of technology to improve security management. Although the development and implementation of the United Nations Security Incident Reporting System (SIRS), reported last year, have taken longer than predicted, the System is now expected to be operational in January 2005. The System will serve as the central repository of information on security incidents in country locations, enabling field security coordination officers, security focal points and other authorized persons to access critical security incident information that will permit identification and analysis of developing threats and trends. In addition, work is under way to develop a computerized global security clearance system for travel of United Nations personnel system-wide.

17. The web site of the Office of the United Nations Security Coordinator, hosted by the United Nations Extranet as a repository of monthly travel advisories and the latest security phase changes, has been operational since May 2003. This information, which is available to all United Nations organizations, programmes and

funds, provides relevant travel information, as well as contact details for the Designated Official and other security personnel in the country of destination.

18. Throughout the reporting period, United Nations organizations, programmes and funds, as well as the Office of the United Nations Security Coordinator, have actively recruited, trained and deployed skilled field security coordination officers and agency field security advisers. There are currently 129 field security coordination officers (including 29 funded through extrabudgetary resources) and 258 locally recruited support staff deployed throughout the world to support 155 Designated Officials for security and their Security Management Teams, comprising senior representatives of United Nations organizations, programmes and funds. The current disposition of security personnel is inadequate with respect to discharging the required range of functions, often across large distances and many programmes and activities. It also does not provide any elasticity through which the Office may temporarily reassign security officers to respond to short-notice emergencies, such as the Afghanistan elections or the Darfur humanitarian crisis, in advance of funding, recruiting and deploying additional staff for the longer term. The lack of flexibility in the current field force of the Office was evident over the last year when needs in Afghanistan and Iraq could be addressed only at the expense of pressing ongoing requirements in Somalia, the Sudan and elsewhere.

19. In assessing the likely prevalence elsewhere in the world of threats similar to those that had surfaced in Iraq on 19 August 2003, the Office of the United Nations Security Coordinator recognized the need to enhance the ability of Designated Officials and security officers to identify, assess and articulate risk, and to devise practicable countermeasures using a standardized cost-benefit-based approach. Together with the Department of Peacekeeping Operations, the Office has developed a Security Risk Management model, which enables the organization to articulate security risk at all levels, and allows non-security staff to better understand, and to actively contribute to the development, of risk assessments and other security issues. A prominent feature of the Security Risk Management model is its inclusion of, and emphasis on, the programmatic, humanitarian and political mandates of the concerned United Nations organizations, funds and programmes in relation to the acceptance of risk. Designated Officials, as well as programme officers, at the regional and area level, have provided supportive feedback on the model, as it encourages, and requires, them to actively participate in security risk assessments in their area of operations.

20. Use of the Security Risk Management model as a basis for collective analysis, decision-making and resource programming has contributed significantly to consensus-building and a more powerful participative culture of security awareness. It is now a key component of security training, as well as of Office of the United Nations Security Coordinator assistance visits and associated dialogue with Security Management Teams. In this regard, a formal manual is contemplated for 2005.

21. Security is an essential precondition to the delivery of humanitarian assistance in many areas of conflict and open warfare, and thus forms an integral component of the United Nations Consolidated Appeals Process. The current reporting period saw a marked increase in the risks faced by humanitarian workers and operations, particularly in Afghanistan, Iraq and the Democratic Republic of the Congo, where relief workers have been directly targeted. Although staff and operations face increased security threats in the field, donor contributions in support of mission-

related security requirements set out in the 2004 consolidated appeals totalled only slightly over $4.0 million, representing 27 per cent of the overall need, as of 27 July 2004. However, donors contributed over $6.0 million for special security requirements for United Nations operations in Iraq, outside of the Consolidated Appeals Process.

22. While the security sector for Iraq was fully funded, many less prominent emergencies experienced a lack of security personnel, resources and assets. In Somalia, the establishment of a critical security communications network intended to strengthen safety and promote coordination between the United Nations and other aid organizations was deferred due to lack of resources. Similarly, a proposal for an additional United Nations security office in Ambon, Indonesia, made well before the recent upsurge of violence in the area, failed to attract donor support, thus severely limiting safe humanitarian access. It is essential that there be sufficient resources to manage security for humanitarian operations so as not to limit the effectiveness of humanitarian and human rights activities.

23. Because humanitarian crises and other United Nations undertakings in high-risk areas are often unpredictable in terms of both onset and duration, the requirement for extrabudgetary donor funding of security arrangements will continue to one extent or another, notwithstanding the intention of the Secretariat to seek from the General Assembly an enhanced elasticity and emergency response capacity within an enlarged cadre of regular field security coordination officers. In that connection, contributions from Poland and Monaco to the Trust Fund for Security Staff Members of the United Nations System totalled $20,000 during the reporting period.

V. Accountability

24. The accountability of all actors within the United Nations field security management system continues to be governed by the report of the Secretary-General entitled "Inter-organizational security measures: framework for accountability for the United Nations field security management system" (A/57/365), as requested in section VIII of General Assembly resolution 56/255 of 24 December 2001. The Inter-Agency Security Management Network continues to encourage all concerned to ensure that roles and responsibilities are reflected, as a matter of course, in job descriptions, terms of reference, and performance appraisals. United Nations organizations and programmes have continued to submit policy statements, modelled on the accountability framework, to their governing bodies as required. The Office of the United Nations Security Coordinator has also applied a common checklist in conducting and reporting on the 21 compliance and inspection missions undertaken during the reporting period. The Department of Peacekeeping Operations and the Office have also conducted joint security assessment missions, and arrived at integrated security management structures, for Iraq and Afghanistan in view of the very high risks to the collective United Nations presence and activities in both countries.

25. On 29 March 2004, the Secretary-General announced a series of disciplinary measures following the release of a critical report by a panel that had identified institutional and individual failures in assessing the security situation in Baghdad prior to the attack of 19 August 2003. The Secretary-General regretted the failures

identified by the Panel and expressed his determination to take all corrective measures, within his authority, to enhance the safety and security of all United Nations staff, especially those deployed in dangerous conflict areas. In this respect, the United Nations continues to follow up with the relevant authorities in Iraq to ensure that this tragic incident is investigated fully and that the perpetrators are brought to justice.

VI. Minimum Operating Security Standards

26. The Minimum Operating Security Standards have been fully embraced, as well as recognized by the United Nations organizations, programmes, and funds, as an enabling mechanism to mitigate threats to staff members operating in high-risk areas. In addition, at the field level, there is a growing appreciation by staff members of the fact that the practical application of the Standards is serving to reduce significantly their vulnerability, to the extent that field staff are now beginning to take ownership of the Standards, which has in turn, resulted in increased observance and adherence. Nearly 95 per cent of all 150 duty stations are reporting either full or partial Standards compliance. In addition, duty stations have established implementation plans, including budget and resource allocations, to ensure future and continued adherence. Only 5 per cent have yet to report and they are currently the subject of active monitoring. As result of the intensive application of the Standards, Designated Officials and Security Management Teams have an increased awareness of their security responsibilities, as well as an enhanced capacity to effectively execute these duties.

27. While significant progress has been made in the achievement of the Minimum Operating Security Standards, lack of resources and government restrictions continue to impede full compliance. There are special Standards set out for operating in situations of open conflict. Although the associated needs are set out in the United Nations consolidated appeals, lack of donor support may necessitate reduction or suspension of humanitarian programmes, as occurred in Somalia and the Democratic Republic of the Congo during this reporting period. Furthermore, some Member States do not facilitate the importation of necessary safety equipment such as body armour or communications equipment.

28. With respect to the United Nations main locations in Geneva, Vienna, Nairobi, The Hague, Addis Ababa, Bangkok, Beirut and Santiago, and its Headquarters in New York, the Security and Safety Service, under the leadership of the Department of Management, has developed specific Minimum Operating Security Standards for these locations, which were discussed at the annual meeting of the Chiefs of Security.

VII. Security training programmes

29. During the reporting period, the Office of the United Nations Security Coordinator provided induction training to newly recruited field security coordination officers and other security officers prior to their deployment. The four-day induction programme continues to include intensive one-on-one or group security training sessions on United Nations policy, procedures and best practices, as well as to provide a forum for detailed discussions with the respective

headquarters Office desk officers prior to deployment. This programme better prepares newly recruited field security officers for their assignment, allowing them to quickly contribute to improving the overall security system and posture of their country or area and therefore be more effective to the Designated Official, the Security Management Team and staff immediately upon being fielded.

30. The Office of the United Nations Security Coordinator also provided training to Security Management Teams in 40 duty stations over the past year. As noted in a previous report, this training programme had commenced in April 2003. Training was conducted, inter alia, in Albania, Algeria, Bangladesh, Belize, Bhutan, Bosnia and Herzegovina, Bulgaria, Burundi, Costa Rica, Côte d'Ivoire, the Democratic People's Republic of Korea, Denmark, El Salvador, Equatorial Guinea, Greece, Guatemala, Guinea, Honduras, India, Iraq, Jordan, Kenya, Kosovo, Lesotho, Liberia, Mauritania, Mexico, Morocco, Nepal, Nicaragua, Panama, Poland, Romania, the Russian Federation, Somalia, South Africa, Swaziland, the Syrian Arab Republic, Uzbekistan and Yemen. The schedule of activities for the next reporting period is currently being revised, with a view to increasing the number of such training activities, subject to availability of trainers.

31. Given the increasingly difficult context in which humanitarian assistance takes place in some areas, it is critical to ensure that staff members are informed about the conditions under which they are called to operate, and that adequate security training is provided as to enhance their security and effectiveness in accomplishing their functions. For the operations in Iraq and Afghanistan, for example, staff members are required to complete a tailor-made security awareness training prior to deployment, in addition to their security briefing upon arrival at the duty station. No staff member is authorized to travel to these countries without having undertaken this mandatory training.

32. Further, as previously reported (A/58/344, para. 34), a training-of-trainers workshop was conducted in Nairobi in June 2003 to provide security officers with the skills and knowledge to enable them to conduct their own country-specific security training for staff working in high-risk areas. These participating security officers have now started to offer training to staff at their duty stations with a great deal of success. The Office of the United Nations Security Coordinator plans to provide similar training to all remaining field security coordination officers, subject to availability of resources.

33. As elaborated last year, this country-specific programme takes into account and complements the future fielding of the "Advanced Security in the Field" CD-ROM, which also supports staff operating in volatile areas. It will be recalled that the advanced CD-ROM will free the field security coordination officers from covering basic information, allowing for greater emphasis on those areas deemed of critical importance to the respective duty stations, such as country-specific field security procedures and standards, as well as more practical applications. The English version will be available by the end of 2004. The remaining five versions will take an additional 10 months to produce thereafter.

34. Over 8,500 CD-ROMs containing the interactive learning course "Basic Security in the Field" have been distributed to all United Nations organizations, programmes and funds, as well as within the Secretariat and to other organizations, with another 20,000 under procurement in order to meet demand. With the exception of staff members unable to complete the English version, United Nations

organizations, programmes and funds report that most staff members have completed the CD-ROM. The Spanish, Arabic, Russian and Chinese versions of the course are now in production. It is important to emphasize that completion of the CD-ROM is mandatory for all United Nations staff members.

VIII. Stress management

35. The stress management programme has been further broadened to encompass a standard operational procedure for critical incidents, which currently includes both preventative and relieving interventions. Based on prior experience in emergencies, a multi-component integrated approach to critical incident stress management was designed with a view to helping staff members increase their resilience and coping skills before any critical or traumatic event; to assist staff members, who have been exposed to a traumatic event, return to adaptive functioning as soon as possible; and to ensure that staff members and their immediate dependants are cared for in follow-up interventions. During the reporting period, individual counselling as well as training on stress and stress-related topics was conducted in 34 countries and served over 3,500 staff members.

36. In response to field requests, a session on emotional first aid was designed and relevant training provided to managers and security staff. Such trainings help to enhance and elaborate those skills that are required to support individuals who are exposed to emergencies, crises or critical incidents. Peer Support Volunteer Training was provided to selected staff of various United Nations organizations, programmes and funds with a view to establishing staff support networks at field offices. Such networks will help to provide immediate response to critical incidents, as well as to strengthen staff well-being and welfare. Several more workshops are being prepared for 2004 in conjunction with field offices of the Office of the United Nations Security Coordinator, the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF).

37. Cooperation among the United Nations system stress counsellors has been considerably strengthened, with the definition of networking and coordination mechanisms. The results of such collaboration were immediately apparent in the rapid deployment of 12 counsellors from various United Nations organizations, programmes and funds to Baghdad following the bomb attack. Lessons learned from the Baghdad incident have also been utilized to influence coordination among all United Nations system stress counsellors.

IX. Security collaboration between the United Nations system and non-governmental organizations

38. The United Nations system continued to work closely with non-governmental organizations and intergovernmental organizations on security management throughout the reporting period. Significant progress has been made, pursuant to the "Guidelines for UN/NGO/IGO Security Collaboration" issued by the United Nations Security Coordinator in February 2002, which provided a menu of options to assist Designated Officials with security collaboration in the field. Security collaboration with non-governmental organizations and intergovernmental organization partners is now an integral component of the United Nations field security management system

in situations of armed conflict. The United Nations system and the non-governmental organizations and intergovernmental organization communities are working more closely together than ever before.

39. One area that deserves special mention is security training. Whenever possible, the United Nations provides our non-governmental organization partners with the opportunity to participate in joint security training exercises. During this reporting period, two important security training initiatives were implemented under the guidance of the Office of the United Nations Security Coordinator. The first was the training programme for United Nations and non-governmental organizations staff members operating in Iraq. Over the past three months, training activities benefited 169 individual United Nations and non-governmental organizations staff. In June 2004, 6 two-day security training workshops were held in northern Uganda, with staff from 6 United Nations organizations and 28 participating non-governmental organizations. In addition, our non-governmental organizations partners continue to benefit from the United Nations security training in many theatres of humanitarian operations across all regions, particularly Africa and Asia.

40. Pursuant to the Guidelines, the Office of the United Nations Security Coordinator has formalized the provision of services, which may be provided, at their discretion, by Designated Officials to our non-governmental organizations and intergovernmental organizations partners working in response to humanitarian crises. These include the provision of threat and risk assessments with regard to programme activities; the provision of security training in such areas as the use of safety and communications equipment; the provision of communications services; operational security; and liaison with local authorities. It should be noted, however, that enhanced security collaboration with United Nations partners is not funded from the regular budget, but is contingent upon donor support, accrued primarily through the United Nations Consolidated Appeals Process. As some consolidated appeals receive more funding than others, an uneven implementation of the Guidelines has resulted. In many instances, the United Nations is not in a position to enhance security collaboration or provide services, owing to lack of donor support, which in turn limits the efficacy of humanitarian operations.

41. The collaboration between the United Nations and its non-governmental organizations and intergovernmental organizations partners has been most effective in areas of humanitarian operation and situations of open conflict. While conventional wisdom holds that non-governmental organizations and intergovernmental organizations are often able to maintain a presence in such situations, over the past year, the maintaining of such a presence has exacted a very high price. During the reporting period, 60 fatalities were reported among non-United Nations aid workers in Afghanistan, Angola, the Democratic Republic of the Congo, Eritrea, Iraq, Somalia and Uganda. There were 29 fatalities of non-United Nations workers in Afghanistan alone. Locally recruited staff members bore the brunt of the targeted violence, accounting for 43 of the 60 fatalities. The decision by Medecins sans frontières to pull out of Afghanistan after more than 20 years in operation, owing to concerns over neutrality and security, is of great concern. Humanitarian assistance is possible only when armed actors respect the safety of humanitarian workers.

42. In this connection, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator convened a High-level Humanitarian Forum in

Geneva on 31 March 2004 to discuss the critical challenges to humanitarian security, emanating from the increasingly volatile operating environment faced by aid workers. Participants from United Nations organizations, programmes and funds, as well as international and national non-governmental organizations, identified areas and strategies for joint action, including mechanisms for risk management, information-sharing and analysis, and the provision of basic security and grievance management.

X. Observations and recommendations

43. **There is no greater priority than ensuring the safety of United Nations system staff members who are frequently assigned to stations worldwide that are characterized by difficult and often high-risk situations. Last year was particularly difficult, forcing the United Nations system to reflect seriously on the future of our security management arrangements at all levels. At this juncture, we can no longer either look at or respond to an increasingly precarious work environment in old ways, especially as humanitarian agencies, United Nations and non-United Nations alike, are being increasingly targeted. Although this phenomenon is unfortunately not new, the trend's deliberateness and lethality have accelerated sharply over the reporting period.**

44. **Managing a security system that is constantly evolving in response to this new environment requires a proactive approach by the entire United Nations system. This does not mean turning our premises into fortresses, but it does mean that we must monitor our environment more systematically: we must anticipate security incidents and plan for them in advance as well as enhance our readiness and protection through training, equipment and physical security measures. Of course, this also requires the commensurate resources.**

45. **Most importantly, however, this also demands a cultural change within the United Nations. Part of this cultural change entails the recognition that safety and security are the responsibility of all. To ensure success, managers and staff must be equally committed to the process. Senior staff will need to demonstrate engagement in behaviour that enhances personal security, in order to model risk-reducing practices. Individual staff may also need to alter their personal behaviour and practices to maximize their own safety.**

46. **Notwithstanding the best efforts of the United Nations, there also continue to be instances in which the efforts of the Organization are being frustrated. In some countries, international organizations continue to encounter difficulties in obtaining permission to import communication equipment. As this remains a serious concern for the health and safety of staff members, the Secretary-General appeals to all Member States that have implemented such restrictions to lift them immediately in the interest of the safety and security of staff.**

47. **The Secretary-General also remains dismayed that there has often been unwillingness to provide timely information in the event of the arrest or detention of locally recruited United Nations personnel and that very few countries have investigated fully attacks or threats against international and locally recruited United Nations and associated staff members or held perpetrators accountable under international and national law. Over the past decade, threats against the safety and security of United Nations staff have**

escalated at an unprecedented rate, while perpetrators of these acts of violence seemingly operate with impunity. The Secretary-General strongly urges all States to take stronger actions to ensure that any threat or act of violence committed against humanitarian personnel and United Nations and its associated personnel on their territory is investigated fully and that the perpetrators are brought to justice. While the United Nations will continue to enhance the security management system for the benefit of its personnel, it must constantly be borne in mind that host Governments have the primary responsibility for the security of United Nations and other humanitarian personnel.

48. Last year's tragic events in Iraq, and the extreme dangers we continue to face elsewhere, underscore the harsh reality of the fact that United Nations staff members, despite their dedication and courage, cannot help the most vulnerable populations of the world if they themselves become victims. The Secretary-General therefore intends, initially through his upcoming report pursuant to paragraph 6 of General Assembly resolution 58/295, to continue to seek by all means the necessary structures, systems and capacities to enhance the effectiveness of the United Nations security management system.

Notes

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 52* (A/59/52).

Annex I

Civilian personnel who have lost their lives during the reporting period (1 July 2003-30 June 2004)

Name	*Country of nationality/organization*	*Place and date of incident*	*Cause*	*Legal action*
Al-Farra, Reham	Jordan/UN-DPI	Baghdad, Iraq, 19 August 2003	Explosion	No
Al Mahdawi, Raid Shaker Mustafa	Iraq/UNMOVIC	Baghdad, Iraq, 19 August 2003	Explosion	No
Al Qadi, Leen Assad	Iraq/UNOCHI	Baghdad, Iraq, 19 August 2003	Explosion	No
Basim, Mahmoud u Taiwi	Iraq/UNOCHI	Baghdad, Iraq, 19 August 2003	Explosion	No
Buenaventura, Ranilo	Philippines/UNOCHI	Baghdad, Iraq, 19 August 2003	Explosion	No
Hooper, Richard	United States/UN-DPA	Baghdad, Iraq, 19 August 2003	Explosion	No
Hosseini, Reza	Islamic Republic of Iran/UNOCHI	Baghdad, Iraq, 19 August 2003	Explosion	No
Hussein, Ihssan Taha	Iraq/UNOPS	Baghdad, Iraq, 19 August 2003	Explosion	No
Kanaan, Jean-Selim	Egypt/UNOPS-OSRSG	Baghdad, Iraq, 19 August 2003	Explosion	No
Klein-Beekman, Christopher	Canada/UNICEF	Baghdad, Iraq, 19 August 2003	Explosion	No
Salman, Emaad Ahmed	Iraq/UNMOVIC	Baghdad, Iraq, 19 August 2003	Explosion	No
Teas, Martha	United States/UNOPS	Baghdad, Iraq, 19 August 2003	Explosion	No
Vieira de Mello, Sergio	Brazil/OHCHR-OSRSG	Baghdad, Iraq, 19 August 2003	Explosion	No
Watson, Fiona	United Kingdom/DPKO-OSRSG	Baghdad, Iraq, 19 August 2003	Explosion	No
Younes, Nadia	Egypt/UN-OSRSG	Baghdad, Iraq, 19 August 2003	Explosion	No
Mahmoud, Ahmed Shukry	Iraq/WHO	Baghdad, Iraq, 29 August 2003	Explosion	No
Hussan, Tariq Abu	Palestine/UNRWA	Gaza Strip, 18 October 2003	Explosion	No
Nsengiyumva, Philibert	Burundi/WFP	Ngozi, Burundi, 7 November 2003	Gunshot	No

Name	*Country of nationality/organization*	*Place and date of incident*	*Cause*	*Legal action*
Goislard, Bettina	France/UNHCR	Ghazni, Afghanistan, 11 November 2003	Gunshot	Yes
Ndonga, Joseph	Kenya/UNON	Nairobi, Kenya, 21 November 2003	Gunshot	No
Conroy, Richard	Australia/UNDP	Tashkent, Uzbekistan, 13 January 2004	Aircraft accident	No
Kalili, Benjamin Mbiti	Kenya/ICTR	Ngutuni, Kenya, 20 March 2004	Gunshot	No
Magomed, Getogazom	Russian Federation/OCHA	Nazran, Russian Federation, 22 June 2004	Gunshot	No
Adanku, Renatus	Ghana/UNV	Sierra Leone, 29 June 2004	Aircraft accident	No

Abbreviations used:

UN-DPI	Department of Public Information of the United Nations Secretariat
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNOCHI	United Nations Office of the Humanitarian Coordinator for Iraq
UN-DPA	Department of Political Affairs of the United Nations Secretariat
UNOPS	United Nations Office for Project Services
OSRSG	Office of the Special Representative of the Secretary-General for Iraq
UNICEF	United Nations Children's Fund
OHCHR	Office of the United Nations High Commissioner for Human Rights
DPKO	Department of Peacekeeping Operations of the United Nations Secretariat
WHO	World Health Organization
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WFP	World Food Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNON	United Nations Office at Nairobi
UNDP	United Nations Development Programme
ICTR	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994
OCHA	Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat
UNV	United Nations Volunteers Programme

Annex II

Consolidated list of staff members under arrest, detained or missing and with respect to whom the United Nations, the specialized agencies and related organizations have been unable to exercise fully their right to protection (as at 30 June 2004)

Name	*Organization*	*Place and date of incident*
Mahmoud Hussein Ahman	UNRWA	Missing in Lebanon since 22 March 1983; reportedly detained by militias or unknown elements.
Alec Collet	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Fulgence Rukindo	Human rights field operation in Rwanda	Detained in Kibuyu, Rwanda, since 17 June 1995.
J. Baptiste Sibomana	Human rights field operation in Rwanda	Detained in Rwanda since March 1997.
Khaled Al Jundi	UNRWA	Detained in the West Bank since 22 June 2001.
Khalil Badee	UNRWA	Detained in the West Bank since 16 May 2002.
Rami Jawabreh	UNRWA	Detained in the West Bank since 28 May 2002.
Mohammad Ighbariyeh	UNRWA	Detained in the West Bank since 19 June 2002.
Nahed Atallah	UNRWA	Detained in Gaza Strip since 14 August 2002.
Mohammad Abu Latifah	UNRWA	Detained in the West Bank since 23 September 2002.
Nidal Daoud	UNRWA	Detained in the West Bank since 25 September 2002.
Amar Ataya	UNRWA	Detained in the West Bank since 3 October 2002.
Mohammad Itewi	UNRWA	Detained in the West Bank since 13 November 2002.
Mohamad Al Khatib	UNRWA	Detained in the West Bank since 28 January 2003.
Mahammoud Harb	UNRWA	Detained in the West Bank since 2 June 2003.
Hamzeh Hamdiya	UNRWA	Detained in the West Bank since 30 September 2003.
Marwan Rayyan	UNRWA	Detained in the West Bank since 1 December 2003.
Anas Abed Aziz	UNRWA	Detained in the West Bank since 17 January 2004.
Henok Debessai	WFP	Missing in Eritrea, since 19 January 2004.
Mahmoud Al Araj	UNRWA	Detained in the West Bank since 26 January 2004.
Ahmed Al Jawarish	UNRWA	Detained in the West Bank since 5 February 2004.

Name	*Organization*	*Place and date of incident*
Mahmoud Othman	UNRWA	Detained in the West Bank since 13 February 2004.
Eyob Eyassu	UNHCR	Detained in Tesseney, Eritrea since 26 February 2004.
A/Fattah Jabarin	UNRWA	Detained in the West Bank since 7 May 2004.
A/Fattah Al Qassas	UNRWA	Detained in the West Bank since 16 May 2004.
Ibrahim Abu Leil	UNRWA	Detained in the West Bank since 16 May 2004.

Abbreviations used:

UNRWA United Nations Relief and Works Agency for Palestine Refugees in the Near East
WFP World Food Programme
UNHCR Office of the United Nations High Commissioner for Refugees